

A. INTRODUCTION

OVERVIEW

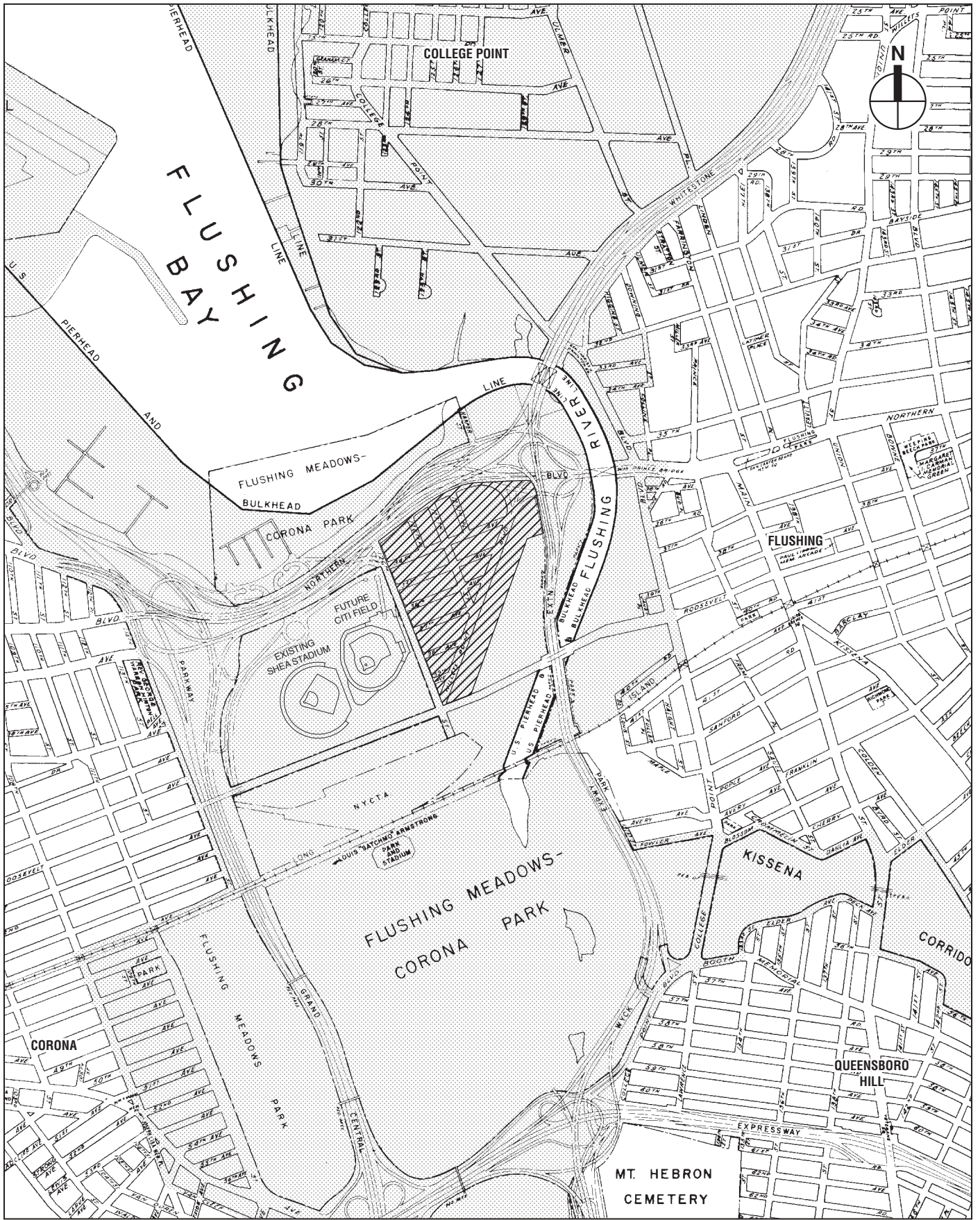
The federal Coastal Zone Management (CZM) Act of 1972 was established to support and protect the distinctive character of the waterfront, and to assist coastal states in establishing policies for managing their coastal zone areas. In 1982, New York adopted a state Coastal Management Program, designed to balance economic development and preservation in the coastal zone by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, public access to the shoreline and farmland, and minimizing adverse changes to ecological systems and erosion and flood hazards. The State program is consistent with the federal CZM Act and contains 44 coastal policies. It also provides for local implementation when a municipality adopts a local waterfront revitalization program that is consistent with the federal CZM Act.



In accordance with the State program, New York City adopted a local waterfront revitalization program, the *New York City Waterfront Revitalization Program* (WRP), in 1982. The WRP, as amended, incorporates the State's 44 coastal policies, and contains an additional 10 policies. The program is administered by the New York City Department of City Planning (DCP). It establishes the City's policies for development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone.

The coastal zone management program consistency review process is described in federal regulations at 15 Code of Federal Regulations (CFR) 930: Federal Consistency with Approved Coastal Management Programs, as amended, as well as in the WRP. Consistency review is required for any project that:

- Is in, or is expected to affect the resources or land or water uses of, the New York coastal zone; and
- Requires a state- or federal-listed permit, is federally, state, or locally funded, or is a direct activity of a federal, state, or local agency.

The District is located within the coastal zone designated by New York City (Figure 13-1). The City's policy is to review a project's consistency with the WRP policies, if a project is located within a coastal zone area. This chapter reviews the New York City Coastal Zone policies and assesses the consistency of the proposed Plan with these policies. The New York City WRP Consistency Assessment form is provided in Appendix D. In accordance with the approach outlined in Chapter 2, "Procedural and Analytical Framework," this chapter considers the cumulative impact of the proposed Plan and the anticipated development on Lots B and D.



-  Willets Point Development District
-  Coastal Zone

0 1000 2000 FEET
SCALE

PRINCIPAL CONCLUSIONS

As described in greater detail below, this analysis concludes that the proposed Plan would be consistent with the City's 10 WRP policies and standards. Implementation of either the proposed Plan or the No Convention Center Scenario would result in the construction of a maximum of 8.94 million gross square feet (gsf) of residential, commercial, community, and convention center buildings and a minimum of eight acres of publicly accessible open space. This chapter concludes that both the proposed Plan and the No Convention Center Scenario would be consistent with citywide goals for fostering residential and commercial development, creating public access in the coastal zone, and protecting sensitive natural and historic resources.

B. CONSISTENCY OF THE PROPOSED PLAN WITH THE WATERFRONT REVITALIZATION PROGRAM POLICIES

New York City's WRP includes 10 policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. Each policy is presented below, followed by a discussion of the policy's applicability to both the proposed Plan and the No Convention Scenario, and the consistency of the proposed Plan and No Convention Center Scenario to each policy.

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The District and Lots B and D are located on the Willets Point peninsula in northern Queens. The District currently contains approximately 260 businesses consisting of mainly auto repair, auto body shops, junkyards, wholesalers, construction companies, and other auto-related retail establishments. Lot B is currently being used as a construction staging area for Citi Field, and Lot D is currently a parking area currently used by commuters, as well as for Mets games and USTA National Tennis Center events. As detailed in Chapter 4, "Socioeconomic Conditions," the businesses and institutions that would be displaced due to implementation of either the proposed Plan or the No Convention Scenario were determined not to be of substantial economic value to the region or City as defined under City Environmental Quality Review (CEQR). The District's businesses are not unique; similar services and products are provided throughout Queens, the City, and the region. Further, these uses are not waterfront-dependent, nor do they require locations in close proximity to the waterfront. The vast majority of these businesses and institutions would have the potential to relocate to other properties within Queens or the City.

Both the proposed Plan and the No Convention Scenario are intended to stimulate the redevelopment of this area in a way that would improve environmental conditions in Willets Point, provide new affordable and market-rate housing, promote economic growth and job creation, create a regional destination, and improve the overall quality of life for residents of neighboring areas. Residential and retail uses would be the core activities in the District, and office, hotel, and possibly convention center uses would build upon these uses to create a regional economic center. Community facilities and open space would support the residential and commercial uses and provide amenities for area residents and visitors.

The encouragement of these types of uses in this location would be appropriate, as discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” as they are prevalent in the vicinity, particularly within the dense commercial center of Downtown Flushing. As a result, both the proposed Plan and the No Convention Center Scenario would promote development that is consistent with the policy stated above.

Policy 1.2: Encourage non-industrial development that enlivens the waterfront and attracts the public.

Both the proposed Plan and the No Convention Center Scenario recommend a change to the underlying zoning from the existing M3-1 and R3-2 to a C4-4 district with a zoning Special District. Either scenario would create a mix of uses, including residential, retail, hotel, entertainment, office, community facility, open space uses, and possibly a convention center. These uses would result in substantially greater numbers of people coming to the area, would attract the public, and would enliven this area of land near the waterfront. In addition, as described in Chapter 1, “Project Description,” the City is currently pursuing opportunities to improve bicycle and pedestrian connections between Willets Point and surrounding destinations, such as Flushing Bay Promenade, Flushing Meadows-Corona Park, and Downtown Flushing. Bicycle lanes would be required on connector streets within the redeveloped District, which would connect to this area-wide bicycle and greenway network, improving connectivity between Willets Point and surrounding areas, including the waterfront. Therefore, the proposed Plan would encourage non-industrial development that would enliven areas near the waterfront and attract the public. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 1.3: Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or will be developed.

Public facilities, including police stations, fire houses, public schools, libraries, and health care facilities, in the District are adequate to handle the demands of development as a result of the proposed Plan. As detailed in Chapter 5, “Community Facilities,” a significant adverse impact to public day care facilities could occur in 2017 as a result of either the proposed Plan or the No Convention Center Scenario. To mitigate the potential impact on day care facilities, NYCEDC would require, as part of the developer’s agreement, that a future developer consult with New York City Administration for Children’s Services to determine the appropriate way to meet demand for day care services generated by development in the District.

The District is well-served by roadways, including Northern Boulevard, the Van Wyck Expressway, and Roosevelt Avenue, and mass transit including the No. 7 subway line, the Long Island Rail Road (LIRR), and the Q48 and Q66 bus routes. The proposed Plan would include a new connection between the Van Wyck Expressway and the District to facilitate the movement of traffic into and out of the District and minimize traffic on nearby local roadways. Furthermore, as described in Chapter 23, “Mitigation,” traffic and transit impacts expected to result from the proposed Plan would be mitigated to the maximum extent possible.

As described in Chapter 14, “Infrastructure,” the District is not currently connected to the City’s sanitary sewer system. Under the proposed Plan, the District would be connected to the City’s sanitary sewer system, replacing the current reliance on septic tanks. In order to meet the needs of the future user populations, a new sanitary pump station and force main

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would be constructed to convey sanitary flow from the District to the existing 96-inch-diameter City sewer at 108th Street (which flows to the Bowery Bay Water Pollution Control Plant [WPCP]). In addition, the Special District text allows for the development of a water reclamation facility, which would treat the District's sanitary wastewater to applicable water quality and effluent standards, return a portion of the treated water for reuse in the District (for toilets, cleaning, irrigation, air conditioning, etc.), and direct the remaining treated water to the stormwater system and existing outfall at 126th Street. The water reclamation facility would result in a slight increase in the amount of detention to be provided in the District. If proposed by a future developer, a water reclamation facility would require a special permit by the Board of Standards and Appeals (BSA) and likely a SPDES permit from DEC, and would be subject to separate environmental and public review processes. If a water reclamation facility were constructed, it would obviate the need for a new pump station. With these measures, the infrastructure needs of future user populations within the District would be adequately met. Therefore, development under the proposed Plan would be in an area where essential public services and facilities are available and adequate, and if not, would be provided. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

The District and Lots B and D are not located within a Significant Maritime and Industrial Area. Therefore, this policy does not apply.

Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.

The District and Lots B and D are located inland from Flushing Bay and the Flushing River, and are separated from the shoreline by major roadways and other uses. Therefore, the District and Lots B and D are not an appropriate location for working waterfront uses, and this policy does not apply.

Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.

As indicated above, the District and Lots B and D are not located on the waterfront and are not appropriate for working waterfront uses. Therefore, this policy does not apply.

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

Policy 3.1: Support and encourage recreational and commercial boating in New York City's maritime centers.

As stated above, the District and Lots B and D are located inland from Flushing Bay and the Flushing River, and are separated from the shoreline by major roadways and other uses. Implementation of the proposed Plan would not prohibit recreational and commercial boating from occurring in Flushing Bay and the Flushing River. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.

The development resulting from either the proposed Plan or the No Convention Center Scenario would not involve the siting of recreational boating facilities, or mooring or docking facilities. Therefore, this policy does not apply.

Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

Implementation of either the proposed Plan or the No Convention Center Scenario would not result in commercial or recreational boating activities. Therefore, this policy does not apply.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes and Significant Coastal Fish and Wildlife Habitats.

The District and Lots B and D are not located in a Special Waterfront Natural Area, Recognized Ecological Complex, or Significant Coastal Fish and Habitat area. Therefore, this policy does not apply.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

Willetts Point peninsula is bordered by the Flushing River to the east and Flushing Bay to the north. As described in Chapter 11, “Natural Resources,” the Flushing River (salt marsh) was designated by the New York/New Jersey Harbor Estuary Program (HEP) Habitat Workgroup as a highest priority site in 2005. This ecological habitat is within the Flushing Bay watershed. There are no freshwater wetlands located within or in the vicinity of the District or Lots B and D.

Implementation of either the proposed Plan or the No Convention Center Scenario would not involve draining of, placement of fill in, or excavation of wetlands, and the District’s distance from nearby tidal wetlands (more than 165 feet) would limit the potential for site redevelopment to negatively impact wetland areas. Because the District and Lots B and D are located more than 150 feet from the wetlands, it would not be subject to New York State Department of Environmental Conservation (DEC) regulations (Article 25, and Title 25 of Article 71 of the Environmental Conservation Law). Nonetheless, all proposed Plan construction activities would be coordinated with relevant City and State agencies to ensure that the wetlands areas are not disturbed. As described in Chapter 11, the proposed Plan would not result in significant adverse impacts on tidal wetlands in the vicinity or their supporting aquatic wildlife, and new open spaces created within the District would increase refuge and nesting resources for birds, insects, amphibians, and other species. Both the proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 4.3: Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

The District and Lots B and D are currently developed, with no natural areas, and are not located within a Special Waterfront Natural Area, Recognized Ecological Complex, or

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Significant Coastal Fish and Habitat area. The area within the District contains predominantly automotive uses. Lot B is currently being used as a construction staging area for Citi Field, and Lot D is a parking lot used by commuters and for Mets games and USTA National Tennis Center events. Requests for information on federal and state-listed threatened and endangered species, species of special concern, as well as habitats of special concern within and around the District were submitted to the DEC Natural Heritage Program (NHP), the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. Responses from these agencies indicate that there are no threatened or endangered species in the District or on Lots B and D.

The proposed Plan would create a minimum of eight acres of new open space, which would increase refuge and nesting resources for birds, insects, amphibians, and other species. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 4.4: Maintain and protect living aquatic resources.

Although it is a coastal zone area, the District is located inland from Flushing Bay and the Flushing River and is separated from the shoreline by several major roadways and other uses. The development resulting from either the proposed Plan or No Convention Center Scenario would not involve the harvesting of fish, spawning habitat, aquaculture, or fish stocking; nor would it affect aquatic habitat. As stated previously, development of a water reclamation facility is permissible by special permit under the Special District zoning regulations. The water reclamation facility would treat the District's sanitary wastewater to applicable DEP water quality and effluent standards, return a portion of the treated water for reuse in the District (for toilets, cleaning, irrigation, air conditioning, etc.), and direct the remaining treated water to the stormwater system and existing outfall at 126th Street. The water reclamation facility would likely require a SPDES permit, and would undergo separate environmental and public review processes. Adverse impacts to water quality and fish and benthic resources are not anticipated; therefore, the proposed Plan and No Convention Scenario are consistent with this policy.

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

Policy 5.1: Manage direct or indirect discharges to waterbodies.

The proposed Plan would comply with the New York Guidelines for Urban Erosion and Sediment Control and the New York State Management Design Manual. With implementation of the proposed site remediation (detailed in Chapter 12, "Hazardous Materials") and development of the proposed Plan's stormwater management facilities, construction and operation of either the proposed Plan or the No Convention Scenario would reduce the potential for contaminants to enter Flushing Bay. The proposed remediation measures are not expected to affect the efficiency and functionality of the existing outfalls. Best management measures implemented during and after construction would include erosion and sediment control measures and treatment of stormwater as part of a stormwater pollution prevention plan (SWPPP) and would minimize potential impacts on Flushing Bay associated with stormwater runoff. The proposed Plan is not expected to have a significant adverse construction impact on the water quality of Flushing Bay or the Flushing River.

The proposed Plan would be consistent with the City's goal to reduce CSO events by requiring construction and maintenance of a separate storm and sanitary sewer system. Sewer infrastructure modeling simulations (see Chapter 14) determined that the additional sanitary flow from the proposed Plan (2.8 mgd) would not affect the number of annual CSO

events; the total annual volume of CSO discharge would increase by less than 1 percent (0.76 percent), or 44 million gallons. In addition, as described in Chapter 14, "Infrastructure," water conservation measures would be employed to minimize sanitary sewage flow to the existing combined sewer system.

Stormwater generated within the District during operation would be diverted and discharged through a separate stormwater collection system, to Flushing Bay via two existing outfalls on 126th and 127th Streets. As described in Chapter 14, the current stormwater conveyance system is insufficiently sized to accommodate the runoff being generated in the District. To eliminate these stormwater management issues, the proposed Plan would require the construction of a new stormwater conveyance system, including piping, sustainable design features, and an adequately sized detention tank, or other equivalent means, to accommodate the 3.79 acre-feet of stormwater that is beyond the discharge capacity during a 5-year storm event. With the implementation of adequate stormwater management features, stormwater flow could be controlled so as to remain within the capacity of the two existing outfalls without the need to modify the existing outfalls. In addition, the developer would be required to prepare and implement a site stormwater management plan, to be reviewed and approved by the New York City Department of Environmental Protection (NYCDEP) prior to commencement of construction. This plan would specify Best Management Practices and sustainable design features to be incorporated in the project. If it is determined that the stormwater management features selected for a specific development plan do not adequately supplement the stormwater flow capacity of the existing outfalls, a new outfall will be proposed to augment the existing system.

Given that the District currently lacks sewer infrastructure, and stormwater from the existing industrial uses flows heavily into Flushing Bay, discharges from the proposed system in the future with the proposed Plan to Flushing Bay would be an improvement over current conditions. Overall, implementation of the new system is expected to result in improved stormwater quality and, consequently, improved water quality in Flushing Bay by eliminating site flooding, improving the quality of the soil substrate of the site, and providing direct drainage to storm sewers; incorporating sustainable design features, where feasible, to reduce the discharge volume and increase the quality of stormwater discharges; and preventing stormwater generated within the District from entering the combined sewer system, which would increase the frequency and volume of CSO discharges. All discharges would be required to meet applicable water quality standards of receiving waters. The projected discharges would not be expected to result in an adverse impact on Flushing Bay or the upper East River; nor would it fail to continue to meet Class I standards. As noted in Chapter 11, the life stages of estuarine-dependent and anadromous fish species, bivalves, and other macroinvertebrates found within Flushing Bay are fairly tolerant of varying environmental conditions and have developed behavioral and physiological mechanisms for dealing with these variations. Therefore, temporary, localized changes in water quality that may occur as a result of the minimal additional CSO discharge would not be expected to result in significant adverse impacts on aquatic biota. Significant adverse impacts on surface water quality would not be expected during operation of the proposed Plan.

The proposed Plan and No Convention Center Scenario are consistent with this policy.

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

The District and Lots B and D are largely impervious and thus, during storms, the area experiences continual flooding. Stormwater generated within the District is not controlled or treated prior to entering Flushing Bay.

As described above, stormwater generated within the District during construction and operation of the proposed Plan would be diverted and discharged to Flushing Bay via connection to the two existing outfalls at 126th and 127th Streets. No additional outfalls would be constructed. The proposed Plan would comply with the New York Guidelines for Urban Erosion and Sediment Control and the New York State Management Design Manual.

Best management measures implemented during and after construction would include erosion and sediment control measures and treatment of stormwater as part of a SWPPP, and would minimize potential impacts on Flushing Bay associated with stormwater runoff. The SWPPP would comply with the Flushing Bay Comprehensive Watershed Plan, and would take into account that Flushing Bay is an existing impaired waterbody.

In addition, the water reclamation facility, if proposed by the future developer, would treat the District's sanitary wastewater to applicable DEP water quality and effluent standards, return a portion of the treated water for reuse in the District (for toilets, cleaning, irrigation, air conditioning, etc.), and direct the remaining treated water to the stormwater system and existing outfall at 126th Street. The water reclamation facility would likely require a SPDES permit, and would result in a slight increase in the amount of detention to be provided in the District. The facility would require a special permit by the BSA and would be subject to separate environmental and public review processes.

Because the site would be remediated prior to development, and because the project would include stormwater management facilities and stormwater would be pre-treated prior to discharge, adverse impacts on surface water quality would not be expected in the future with the proposed Plan or the No Convention Center Scenario. Sustainability design regulations for the proposed Plan/No Convention Center Scenario are currently under development by the New York City Economic Development Corporation (NYCEDC), and may include rooftop storage and filters, underground storage, inline pipe storage, decorative wet ponds, detention dry ponds, proprietary pre-treatment structures, bio-swales, green roofs, gray water irrigation, wetland restoration, urban agriculture, and porous pavement. These measures would be included in the stormwater management plan that the future developer would have to develop in consultation with NYCDEP, would further improve the overall stormwater management, energy, and water quality during project construction and operation. The proposed Plan and No Convention Center Scenario are consistent with this policy.

Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

Implementation of either the proposed Plan or the No Convention Center Scenario would not entail excavation in navigable waters or in or near marshes, estuaries, tidal marshes, or wetlands, nor would excavation fill be placed in navigable waters or in or near marshes, estuaries, tidal marshes, or wetlands. Therefore, this policy does not apply.

Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

Flushing Bay is a shallow, highly impacted water body that has been greatly altered by human activities over the past century. The Flushing Bay and the Flushing River area has been classified as Use Classification I, in accordance with Title 6 of the NYCRR Part 703, which identifies best usages as secondary contact recreation and fishing.

Currently, the District and Lots B and D are covered primarily with impervious surface, with no open space areas. Phase I and II Environmental Site Assessments (ESAs) identified the potential for contamination in the District based on current and past uses. Further groundwater sampling indicated evidence of petroleum contamination, consistent with releases from private properties within the District. Given the presence of this groundwater contamination and the findings of the Phase I ESA, petroleum and potentially other contamination are expected to be widespread on private properties within the District.

Given the historical industrial use on the site and the site's previous contamination, the proposed Plan would entail removal or capping of contaminated soils and historic fill. Following the completion of remediation and implementation of institutional controls as detailed in Chapter 12, the District would be safe for all uses permitted under the proposed zoning, and the overall quality of the District's groundwater would be improved.

As stated above under Policy 5.2, the proposed Plan would comply with the New York Guidelines for Urban Erosion and Sediment Control and the New York State Management Design Manual, and implementation of a SWPPP would minimize potential impacts on Flushing Bay associated with stormwater runoff. Therefore, significant adverse impacts on surface water quality would not be expected during construction of the proposed Plan.

Overall, implementation of either the proposed Plan or the No Convention Center Scenario would improve the quality of groundwater and adjacent Flushing River and Flushing Bay. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

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

The District and Lots B and D are not located on the waterfront, and thus would not alter any features of the shoreline or any existing structural or non-structural flood or erosion control measures. The District is located in the Federal Emergency Management Agency (FEMA) 100- and 500-floodplains; however, both the proposed Plan and the No Convention Center Scenario propose an increase in open space as compared with existing conditions. Therefore, both the proposed Plan and the No Convention Center Scenario offer a reduced potential for surface flooding than the existing built environment because of the District's increased ability to absorb water.

The existing structures on the site are currently below the FEMA 100-year floodplain. The proposed development would comply with the New York City Building Code (Title 27, Subchapter 4, Article 10) and FEMA requirements regarding the lowest floor elevation, which

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would be at or above the base flood elevation (BFE)¹. It is anticipated that approximately one to seven feet of fill would be used to raise the site to 14 feet (NAVD 1929) above FEMA 100-year flood level. The site would be graded to ensure that the lowest floors of the residential towers are above the BFE. The City has established an interagency group to work with FEMA to revise the Flood Insurance Rate Maps for the City. The City is working with FEMA to reflect current shoreline and elevations, and technological changes that allow for more accurate map-making. It is anticipated that the map revisions will be completed in 2010. Subsequent development within the District will reflect any changes to the floodplain elevations. In addition, sustainable design features and stormwater management practices, including stormwater detention, would improve the overall stormwater management.

As described in Chapter 14, “Infrastructure,” the City is currently engaged in several initiatives related to better assessing potential local impacts of global climate change and developing citywide strategies to adapt projected effects of climate change. If appropriate and warranted by information available prior to construction, the City would have the authority to require an increase in the proposed grade of the District at that time, but other measures could be used if more appropriate.

As detailed local projections of global climate change become available and are adopted into the City’s infrastructure design criteria, such criteria will be incorporated into the development program. In addition, the City’s agreement with the developer would require the preparation of an engineering study prior to commencement of construction that would assess the feasibility of implementing adaptation strategies for climate change impacts into the design of the development program in light of the most current climate change projections. Based on that engineering study, the City will require the developer to implement the adaption strategies that it determines are practicable.

The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 6.2: Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

As part of the project, the site would be graded and elevated above the floodplain as part of the proposed Plan. As discussed in Chapter 1, “Project Description,” one of the greatest barriers to redevelopment in the District is that much of the land area within the District is below the FEMA 100-year floodplain level of 14 feet Above Mean Sea Level (AMSL); up to seven feet of fill is required to grade and raise the District out of the floodplain. If the City were to provide new infrastructure such as roadways, sidewalks, and storm and sanitary sewer lines at the existing grade, potential future development would require costly engineering for flood control on lower floors. There is no use of public funding to grade and elevate the site. However raising the site out of the floodplain, and the potential climate adaptation measures described above, would not only mitigate against future flooding and erosion problems, but would also benefit public health and safety and protect the City’s significant investment in new infrastructure. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

¹ 10 feet above the borough datum

Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.

The District and Lots B and D do not contain any public or private beaches and does not have a non-renewable source of sand. Therefore, this policy does not apply.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

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

None of the uses envisioned under the proposed Plan or the No Convention Center Scenario would involve the use or discharge of hazardous or toxic pollutants. All toxic or hazardous substances uncovered during construction would be managed in accordance with the applicable State and federal standards to prevent impacts on surrounding areas. Solid waste generated by the proposed development would be disposed of according to applicable laws and regulations. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 7.2: Prevent and remediate discharge of petroleum products.

The District has a history of industrial uses. As described in Chapter 12, prior to development, any on-site soils that have been impacted due to petroleum products would be removed or capped to prevent any potential discharges. Both the proposed Plan and the No Convention Center Scenario would not result in the discharge of petroleum products, involve the siting of a petroleum-related facility, or include the processing, storage, or handling of petroleum products. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

Solid waste resulting from either the proposed Plan or the No Convention Center Scenario would be hauled by DSNY or a private contractor according to applicable laws and regulations. Hazardous materials uncovered during construction would either be removed or capped, minimizing the potential for adverse impacts to coastal resources. Development would also not entail the siting of solid or hazardous waste facilities. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

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

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

Although the District and Lots B and D are located in the coastal zone, the sites are separated from the waterfront by the existing road network and industrial, utility, and open space uses. As described in Chapter 9, "Urban Design and Visual Resources," the District and Lots B and D currently contain few points of physical, recreational, or visual access to the waterfront. The anticipated development in the District and Lots B and D would not affect views to or from visual resources such as Flushing Bay or the Flushing Bay Promenade. As described above, the City is currently pursuing opportunities to improve bicycle and pedestrian connections between Willets Point and surrounding destinations. Bicycle lanes would be required on connector streets within the redeveloped District, which would connect to this area-wide bicycle and greenway network, improving connectivity

between Willets Point and surrounding areas, including the waterfront. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

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

The proposed Plan would create a minimum of eight acres of publicly accessible open space within the District. Although the District is not located on the waterfront, the Flushing Bay Promenade, which is located along Flushing Bay within walking distance of the District, would provide access to the waterfront area. Access to Flushing Bay Promenade from the District would be available via the existing roadway network, and through the pedestrian and bicycle network that the City is currently pursuing. Bicycle lanes required on connector streets within the redeveloped District would connect to this area-wide bicycle and greenway network. The proposed Plan is consistent with this policy.

Policy 8.3: Provide visual access to coastal lands, waters, and open space where physically practical.

As stated above, several elevated roads currently separate the District and Lots B and D from the waterfront area, including Northern Boulevard and the Whitestone Expressway to the north, the Van Wyck Expressway to the east, and Roosevelt Avenue, with the elevated No. 7 subway line to the south. These roads currently act as a physical barrier between the District and Lots B and D and the waterfront. As described in Chapter 9, the anticipated development in the District and Lots B and D would not affect views to or from Flushing Bay, the Flushing Bay Promenade, or views to the 1964 World's Fair structures in Flushing Meadows-Corona Park. The proposed development would not interfere with views across Flushing Bay from the promenade. Therefore, both the proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

As stated above, the District and Lots B and D are not located on the waterfront. However, both the proposed Plan and the No Convention Center Scenario would include a minimum of eight acres of publicly accessible open space that could provide physical and visual links to the waterfront. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the state and city.

The District does not contain any lands or waters held in public trust by the State and City. Lots B and D, which are located on property owned by the City, are currently under the jurisdiction of the New York City Industrial Development Agency (NYCIDA) and under lease to the Queens Ballpark Co. Any future development on Lots B and D would be undertaken by Queens Ballpark Co. or an affiliate and would require an amendment to the current lease agreement and discretionary approval by the New York City Department of Parks and Recreation (DPR), which administers the NYCIDA lease. These actions would require a separate environmental review process subject to CEQR, and would include a consistency review with the City's WRP. Therefore, this policy does not apply.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The District and Lots B and D are not located within an area that is part of New York City's historic and working waterfront. Furthermore, as described in Chapter 9, there are few visual corridors leading from the District and Lots B and D to the waterfront. However, development and streetscapes constructed under the proposed Plan or the No Convention Center Scenario would be designed in accordance with the Special District regulations, and would complement existing scenic elements, natural features, and landforms within and surrounding the District and Lots B and D. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 9.2: Protect scenic values associated with natural resources.

The District and Lots B and D are currently built out with existing uses; natural resources on the sites are minimal, and there are few visual corridors leading from the District and Lots B and D to the waterfront (see Chapter 9). Development that would result from the proposed Plan would not reduce existing views or the scenic value of Flushing Bay or the Flushing River; instead, new views would be provided through the creation of on-site open space. The proposed Plan and the No Convention Center Scenario are consistent with this policy.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

Although located in a coastal zone area, the District and Lots B and D are not located on a waterfront, and thus there are no resources related to the historical use and development of the waterfront, including shipwrecks, lighthouses, or other maritime navigation structures.

As described in Chapter 8, "Historic Resources," the New York City Landmarks Preservation Commission (LPC) has determined that the District is not sensitive for archaeological resources. LPC has also determined that the District does not contain any architectural resources. However, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined one building—the former Empire Millwork Corporation Building, located within the boundaries of the Development District—to be eligible for listing on the State and National Registers of Historic Places (S/NRs). A site visit in May 2007 did not identify any potential architectural resources within 400 feet of the District.

Both the proposed Plan and the No Convention Center Scenario contemplate the removal of all buildings in the District, including the former Empire Millwork Corporation Building. Demolition of this historic resource would constitute a significant adverse impact on architectural resources, and measures to partially mitigate this adverse impact are discussed in Chapter 23. Both the proposed Plan and No Convention Center Scenario are consistent with this policy.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

As described in Chapter 8, the District is not sensitive for archaeological resources. The proposed Plan and the No Convention Center Scenario are consistent with this policy. *