

A. INTRODUCTION

Sites A and B are located within New York City's coastal zone boundary as defined by the New York City Department of City Planning (NYCDCP). This chapter reviews the New York City coastal zone policies and assesses the consistency of the proposed actions with these policies.

OVERVIEW

The Federal Coastal Zone Management Act (CZMA) 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 accordance with the CZMA, in 1982 New York State adopted a 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, farmland, and public access to the shoreline, and minimizing adverse changes to ecological systems and erosion and flood hazards. The New York State CMP provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City. The New York City Waterfront Revitalization Program (WRP) is the City's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the State level, and NYCDCP administers it in the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, NYSDOS and federal authorities (i.e., the U.S. Army Corps of Engineers [USACE] and the U.S. Fish and Wildlife Service [USFWS]) adopted the City's 10 WRP policies for most of the properties located within its boundaries.

The policies in the City's WRP include the following:

- Support and facilitate residential and commercial redevelopment in appropriate coastal zone areas;
- Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation;
- Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers;
- Protect and restore the quality and function of ecological systems within the New York City coastal area;
- Protect and improve water quality in the New York City coastal area;
- Minimize loss of life, structures, and natural resources caused by flooding and erosion;

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- Minimize environmental degradation from solid waste and hazardous substances;
- Provide public access to and along New York City's coastal waters;
- Protect scenic resources that contribute to the visual quality of New York City; and
- Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

The project sites (Sites A and B) are located within the coastal zone designated by New York City (see **Figure 12-1**), and will require approvals from City agencies. Therefore, development on the project sites is subject to New York City's coastal zone management policies, which are presented in the WRP. A completed Coastal Assessment Form is included in **Appendix 12**.

PRINCIPAL CONCLUSIONS

The reasonable worst-case development scenario (RWCDS) anticipated as a result of the proposed actions would be consistent with the City's 10 WRP policies. The RWCDS, with 6,650 new apartments, ground-floor retail and community facility space, a school, and more than 13 acres of publicly accessible open space, would be consistent with WRP's policies of supporting and facilitating residential and commercial development where appropriate; maintaining commercial boating; protecting coastal ecological systems; protecting and improving water quality in the coastal area; avoiding adverse effects to the coastal area as a result of solid waste and hazardous substances; providing public access to and along the City's coastal waters; protecting scenic resources that contribute to the visual quality of New York City; and avoiding adverse effects to historic and cultural resources.

B. CONSISTENCY OF PROPOSED ACTIONS WITH WRP POLICIES

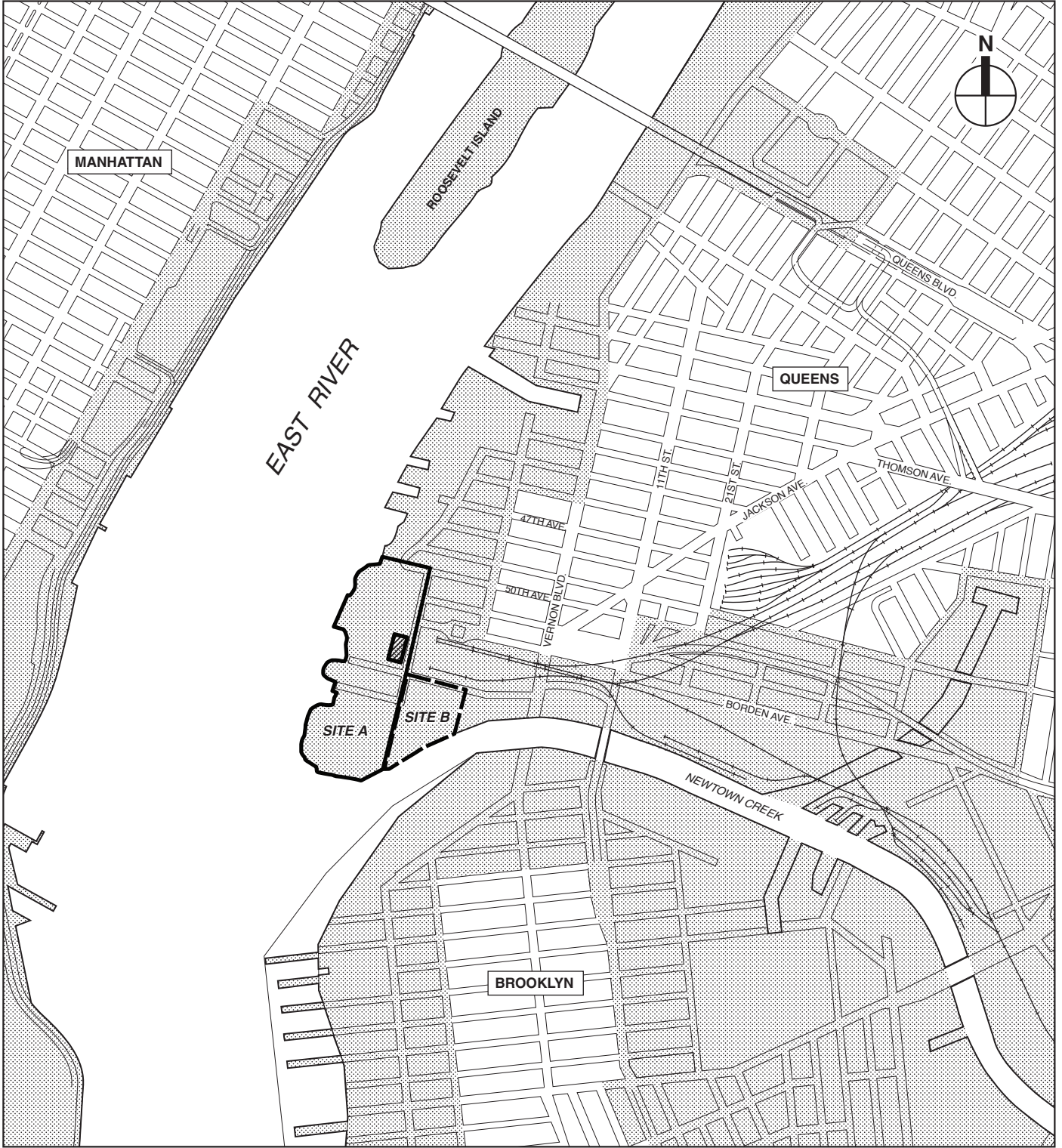
New York City's WRP includes 10 policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. Each policy is presented below, followed by a discussion of the proposed actions' consistency with the policy, when applicable.


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

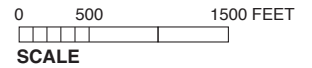
As stated in the WRP, where traditional industrial uses have declined, coastal areas offer opportunities for residential development that would revitalize the waterfront, providing new housing opportunities and reestablishing the public's connection to the waterfront. Such development should occur on appropriately located, vacant and underused land not needed for other purposes such as industrial activity or natural resource protection and should comply with applicable air quality standards and with waterfront zoning regulations. The new development anticipated at Sites A and B is fully consistent with Policy 1, as outlined below.

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

Sites A and B are appropriate for redevelopment per the criteria identified in Policy 1.1. The sites are not located in a designated Significant Maritime and Industrial Area. The sites are also not located within a Special Natural Waterfront Area and they do not contain any unique or significant natural features. Most of the southern half of Site A is vacant or substantially underutilized. As described in Chapter 2, "Land Use, Zoning, and Public Policy," Site A is currently partially vacant and partially occupied by low-density



-  Site A
-  Site B
-  Not Included In Site A
-  Coastal Zone



commercial uses; the southern portion of Site A is currently used as a temporary staging area by a construction and demolition company. Site B is currently occupied by low-rise distribution and storage buildings.

In addition, the northern portion of Site A is in close proximity to residential uses, including the new buildings at Queens West and the new residential building at the PowerHouse. The new development would create new public access to the waterfront in an area where none has traditionally been available.

As detailed in Chapter 1, “Project Description,” planning efforts for Site A were initiated by NYCDCP in 1982 with the adoption of the New York City WRP, which identified 10 areas in the City with potential for reuse, including a 7.5-mile coastal strip in Queens that included the Hunter’s Point South (Site A) waterfront. Subsequently, NYCDCP completed a land use policy study for the Hunter’s Point waterfront (including the area that is now Site A) in 1984, which recommended that the area be rezoned from M3-1 to permit mixed-use development. In 1990, a development proposal for nearly 6,400 apartments, 2.1 million square feet of office space, a 350-room hotel, retail and community facility space, and approximately 18 acres of parkland on a total of 20 development parcels along the Queens East River waterfront, including Site A, was approved by City and State of New York, and redevelopment of Site A has been anticipated since that time.

On Site A, the proposed public actions, including property acquisition and disposition as well as provision of new infrastructure would facilitate the redevelopment of the underused site to promote housing and economic development and enhance the City’s tax base. The proposed actions would facilitate commercial and residential development in an appropriate area for reuse and therefore would be consistent with this policy.

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

The proposed actions would replace low-density commercial and industrial uses with a new residential neighborhood with retail spaces, community facilities (including a school), and park spaces. The new development would enliven and attract residents and visitors to the waterfront and the new waterfront park. The waterfront parkland on Site A and the shore public walkway on Site B would provide waterfront access on sites where the waterfront is currently inaccessible. These spaces are expected to provide significant benefits to residents of the proposed buildings, the Long Island City community, the Borough of Queens, and the City as a whole.

The proposed actions would also include a new roadway network that would provide linkages to existing streets, wide sidewalks, a Class 1 bikeway on streets as well as along the waterfront, and crosswalks to and from the proposed waterfront park. This new road network would provide easy access to the waterfront, and would attract residents to a waterfront that is currently inaccessible.

The new developments on Sites A and B would comply with the New York City Zoning Resolution’s waterfront zoning requirements. Overall, therefore, the proposed actions would encourage non-industrial development that enlivens areas near the waterfront and attracts the public. The proposed actions are consistent with this policy.

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

Community facilities—including public libraries, health care, and police and fire protection—would be adequate to meet the needs of the new residential development. As described in Chapter 4, “Community Facilities,” the proposed actions would result in significant adverse impacts on elementary and intermediate schools and could result in a significant adverse impact on publicly funded day care facilities. Potential measures to mitigate these impacts are described in Chapter 22, “Mitigation.” In addition, the development anticipated as a result of the proposed actions would include a new public school of 1,600 seats and 45,000 square feet of community facility space.

As part of the proposed actions, new streets would be created that would connect to existing streets in the surrounding neighborhood. The new street system would include a new bikeway and new public sidewalks. The project sites and surrounding area are well served by roadways, including 2nd Street and 50th, 51st, Borden, and 54th Avenues, as well as by mass transit, including the nearby No. 7 subway line and the Long Island Rail Road (LIRR). The traffic analysis conducted for this EIS (see Chapter 16, “Traffic and Parking”) concluded that the vast majority of the locations analyzed would not have significant adverse traffic impacts or would have significant traffic impacts that could be mitigated. Mitigation measures at the locations that could only be partially mitigated or could not be mitigated at all will be re-evaluated between the Draft and Final EISs to determine the feasibility of additional mitigation measures.

The proposed actions would result in significant adverse impacts on the buses serving the neighborhood—the B61 and Q103 bus routes. As discussed in Chapter 22, these impacts could be mitigated through the addition of more frequent bus service. While the MTA and NYCT routinely monitors changes in bus ridership and would make the necessary service adjustments where warranted, the projected service demand, particularly on the Q103 route, is significant in magnitude. These service adjustments are subject to the agencies’ fiscal and operational constraints and, if implemented, are expected to take place over time.

The proposed actions would include development of new water and sewer infrastructure and utilities. In support of the proposed development, new city sanitation collection routes would also be established. As described in Chapter 13, “Infrastructure,” to meet the needs of the future user populations, an amended drainage plan would be instituted on Site A, and a new sewer system would be constructed that would separate stormwater and sanitary sewage flow. To provide the required level of energy service to the sites, upgrades to electrical and gas transmission lines serving the project sites would be made. Within the project sites and adjoining streets, new gas mains, service lines, and metering would be reconstructed as part of the implementation of proposed actions. Improvements to the local distribution grid may also be required.

Therefore, the proposed actions 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 project sites are not located within a Significant Maritime and Industrial Area (SMIA). (The Newtown Creek SMIA is located east of Site B, starting at the prolongation of 5th Street extending east along Newtown Creek.) Therefore, this policy does not apply to the proposed actions.

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

The area in which the project sites are located in is undergoing considerable change, transitioning from industrial uses to high-density mixed-use development. With so many new residents coming to this area, it is no longer well suited for industrial uses. Further, Sites A and B do not have waterfront infrastructure present. Therefore, the proposed actions are consistent with this policy.

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

As indicated above, the project sites 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.

Site A currently includes a seasonal commercial boating operator: the New York Water Taxi. This boating facility would be relocated but maintained at Site A. Upland of the Water Taxi landing, a new waterfront park would be developed that would be compatible with the continued maritime use of the waterfront.

The proposed uses would not prohibit the use of New York's waterways for commercial and recreational boating and would maintain the existing commercial boating activities at Site A. Therefore, the proposed actions are consistent with this policy.

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

Site A currently contains the New York Water Taxi ferry landing, which provides seasonal transport for commuters to and from Manhattan. The development resulting from the proposed actions would preserve the New York Water Taxi, but otherwise it would not involve the siting of recreational boating, mooring, or docking facilities. The proposed actions are consistent with this policy.

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

The proposed actions would accommodate the existing New York Water Taxi. Any change to the location of the Water Taxi on Site A would be subject to the conditions of waterfront

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permits for the site issued by the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation, which would ensure that any impact on the aquatic environment would be minimized. The proposed actions are consistent with this policy.

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 project sites are not located in a Special Waterfront Natural Area, Recognized Ecological Complex, or Significant Coastal Fish and Wildlife Habitat area. Therefore, this policy does not apply.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

Sites A and B do not have any freshwater wetlands on the project sites. Adjacent to the project sites, the waters of the East River and Newtown Creek adjacent to the project sites are classified as estuarine subtidal wetlands that do not have tidal wetland plants. Because of the absence of wetland vegetation, these water areas would most likely be regulated by the U.S. Army Corps of Engineers (USACE) as waters of the United States and not as wetlands. The entire shoreline along both project sites is engineered with bulkhead or riprap, which limits the potential for tidal marsh plants or submerged aquatic vegetation. Reported water depths along the shoreline of Sites A and B suggest the potential for New York State Department of Environmental Conservation (NYSDEC) littoral zone tidal wetlands there.

As described in Chapter 11, "Natural Resources and Water Quality," compensatory mitigation pursuant to NYSDEC and USACE permit requirements issued for the development of Stages 2, 3, and 4 of the Queens West project will be implemented along the East River shoreline of Site A independent of the proposed actions. The wetlands mitigation activities will result in additional vegetated highmarsh wetland resources within the project sites and improved resting and perching habitat for waterfowl and shorebirds.

Reconstruction of portions of the existing shoreline engineering will be conducted within the footprint of the existing bulkhead or riprap and will not result in the loss of littoral zone tidal wetlands to the extent that they exist. Construction of new stormwater outfalls and modification of existing outfalls have the potential to result in some loss of tidal wetlands that would be offset through park design within the project sites. Measures would be implemented during these reconstruction activities to minimize any temporary impacts to littoral zone wetlands from the disturbance of bottom sediments and to intertidal wetlands created as part of the mitigation for the Queens West project.

All proposed construction activities would be coordinated with relevant City, State, and Federal agencies to ensure that the wetlands areas are not disturbed. As described in Chapter 11, implementation of the proposed actions would not result in significant adverse impacts on terrestrial plant communities or wildlife, or on floodplains, wetlands, water quality, or aquatic biota in the East River and Newtown Creek. Potential benefits to natural resources that would result from the proposed actions include improved habitat for birds and other wildlife in the waterfront park and other open space areas. The proposed actions 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.

Sites A and B are currently either developed or paved, have little to no natural areas, and are not located within a Special Waterfront Natural Area, Recognized Ecological Complex, or Significant Coastal Fish and Wildlife Habitat area. Requests for information on rare, threatened, or endangered species within the immediate vicinity of the project sites were submitted to the U.S. Fish and Wildlife Service (USFWS), the New York Natural Heritage Program (NYNHP), and the National Marine Fisheries Service (NMFS). A request for information concerning Essential Fish Habitat in the vicinity of the project sites was also made to NMFS. NYNHP has no records of rare or State-listed wildlife or plant species, significant natural communities, or other significant habitats on or near the project sites. However, as discussed in Chapter 11, “Natural Resources and Water Quality,” individuals of the New York State Endangered plant species, late-flowering thoroughwort (*Eupatorium serotinum*) was observed in the southern portion of Site A, along the Newtown Creek shoreline. The USFWS list of federally threatened or endangered species and candidate species for Queens County identifies two federally threatened species (piping plover [*Charadrius melodus*] and seabeach amaranth [*Amaranthus pumilus*]) and two federally endangered species (roseate tern [*Sterna dougallii*] and shortnose sturgeon [*Acipenser brevirostrum*]) known to occur in Queens. Of these species, three are typically restricted to coastal beaches in Queens (piping plover, seabeach amaranth, and roseate tern) and are not expected to occur on or near the project sites. As described in Chapter 11, shortnose sturgeon are only expected to occur near the project sites as transient individuals while traveling to or from Hudson River spawning, nursery, and overwintering areas.

In addition to the endangered shortnose sturgeon (*Acipenser brevirostrum*), NMFS also identified the Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) and four sea turtle species—the federally threatened loggerhead (*Caretta caretta*) and federally endangered Kemp’s ridley (*Lepidochelys kempi*), green (*Chelonia mydas*), and leatherback (*Dermonchelys coriacea*)—as potentially occurring within the upper East River in the vicinity of the project sites (Colligan 2007). It is unlikely that the turtle species would occur near the project sites in the lower East River except as occasional transients.

Prior to construction activities along the shoreline, a survey will be conducted for the state-listed endangered late-flowering thoroughwort. A mitigation plan will be developed in coordination with NYSDEC to minimize adverse impacts to this species. The mitigation plan may include measures such removing individual plants that would be impacted by construction activities and replanting them within suitable habitat developed for this plant species within the waterfront park. The proposed parkland would be designed to complement existing adjacent natural areas and would increase refuge and nesting resources for birds, insects, amphibians, and other species. The proposed actions are consistent with this policy.

Policy 4.4: Maintain and protect living aquatic resources.

The development resulting from the proposed actions would not involve the harvesting of fish, spawning habitat, aquaculture, or fish stocking. Therefore, this policy does not apply.

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

Policy 5.1: Manage direct or indirect discharges to waterbodies.

As described in Chapter 11, stormwater generated within the project sites during construction would be discharged to the East River. During project operation, stormwater generated on Site A would be collected via a separate storm system and discharged to the East River.

The proposed actions 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 construction would include erosion and sediment control measures as part of a stormwater pollution prevention plan (SWPPP) and would minimize potential impacts on the East River associated with stormwater runoff. Development of landscaped roofs on portions of the proposed buildings would also minimize potential impacts to existing NYSDEC littoral zone tidal wetlands as well as the littoral and highmarsh wetlands created within Site A in compliance with the NYSDEC and USACE permits issued for the Queens West project. The proposed actions 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.

As described above, stormwater generated during construction and operation of the project would be discharged to the East River. The proposed actions 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 construction would include erosion and sediment control measures as part of a SWPPP and would minimize potential impacts on the East River and Newtown Creek associated with stormwater runoff during construction. Inclusion of green roofs and landscaped parks would reduce surface stormwater flow into the East River and Newtown Creek. The proposed actions 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 the proposed actions would not entail excavation in navigable waters or in or near marshes, estuaries, tidal marshes, or wetlands. Further, excavation fill would not 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.

The project sites do not contain any potable groundwater, streams, or the source of water for wetlands. Significant adverse impacts to groundwater are not expected to occur as a result of construction or operation of the proposed actions.

As discussed in Chapter 10, "Hazardous Materials," Sites A and B have been identified as having the potential for hazardous materials contamination. Implementation of the measures described in Chapter 10 during construction would minimize the potential for significant adverse impacts to groundwater quality.

Elevated levels of metals have been attributed to intrusion of brackish water from the East River. Construction and development activities within the project sites that extend below the water table may expose localized areas of contaminated groundwater. In these cases, corrective action in accordance with regulatory protocols would be followed, including notification of the proper regulatory agencies and clean-up under regulatory guidance. Dewatering activities for construction of the proposed actions, if necessary, may require treatment of the groundwater before discharge to the municipal sewer or the East River to minimize adverse impacts to water quality. Before any dewatering activities, sampling would be performed to ensure that any discharged groundwater meets the New York City Department of Environmental Protection (NYCDEP) limitations for effluent to municipal sewers, should this be the designated course of action.

The proposed actions would include an additional 13.4 acres of parkland and open space on Sites A and B, thereby increasing the amount of pervious surface in the study area. As described in Chapter 11, the implementation of the proposed actions would not adversely affect the floodplain's ability to contain flood waters, nor would flooding conditions on the project sites or in their immediate vicinity be exacerbated.

As stated above for Policy 5.2, development on the project sites 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 the East River and Newtown Creek associated with stormwater runoff. Therefore, significant adverse impacts on surface water quality are not expected during construction of the proposed actions.

Overall, implementation of the proposed actions would improve the quality of groundwater and would not adversely affect the water quality of the adjacent East River and Newtown Creek. Therefore, the proposed actions 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.

As part of the construction of the proposed actions, the elevation of the development parcels would be raised such that the residential portions are above the height of the 100-year flood elevation (i.e., approximately elevation 11 Queens Borough Datum) and would comply with all applicable statutes governing the construction of residential buildings in flood hazard areas (e.g., New York City Building Code, Title 27, Subchapter 4, Article 10). In addition, at least 2 feet of clean fill would be placed within the portions of the project sites designated for the waterfront park or other open space areas that would not be covered by impervious surface or structures.

Raising the elevation of the project sites above the 100-year flood elevation would not exacerbate flooding conditions near the project sites. New York City is affected by local (e.g., flooding of inland portions of the City from short-term, high-intensity rain events in areas with poor drainage), fluvial (e.g., rivers and streams overflowing their banks), and coastal flooding (e.g., long and short wave surges that affect the shores of the Atlantic Ocean, bays such as Upper New York Bay, and tidally influenced rivers such as the East River and Newtown Creek, streams, and inlets [FEMA 2007]). The floodplain within and adjacent to the project sites is affected by coastal flooding, which is influenced by

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astronomic tide and meteorological forces (e.g., northeasters and hurricanes [FEMA 2007]), and, therefore, would not be affected by construction or operation of the proposed actions. The proposed actions 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.

The proposed actions do not include public structural flood and erosion control projects.

The central and eastern portion of Site A and much of Site B are within the 100-year floodplain. The New York City Building Code (Title 27, Subchapter 4, Article 10) requires that residential buildings have a finished floor elevation (FFE) at or above the 100-year floodplain, while the Federal Emergency Management Agency (FEMA) requires the FFE to be one foot above the 100-year floodplain. In accordance with these regulations and as stated above, clean fill would be used to raise the development area, including the areas for new streets and buildings, as well as portions of the project sites designated for the waterfront park or other open space areas that would not be covered by impervious surface or structures. Raising the elevation of the project sites above the 100-year flood elevation would ensure protection of public health and safety, the new buildings and open space areas, public investment of city infrastructure, and enhancement of natural habitats. The proposed actions are consistent with this policy.

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

The proposed actions would not entail excavation of beach nourishment sands. 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 actions would involve the use or discharge of hazardous or toxic pollutants. Any toxic or hazardous substances encountered during construction would be managed in accordance with the applicable State and Federal standards to prevent impacts on surrounding areas. Solid waste would be hauled to out-of-City landfills by New York City Department of Sanitation (DSNY) or a private contractor according to applicable laws and regulations. The proposed actions are consistent with this policy.

Policy 7.2: Prevent and remediate discharge of petroleum products.

As discussed in Chapter 10, Sites A and B have been identified as having the potential for hazardous materials contamination. During construction, any hazardous materials encountered would be handled and removed in accordance with the Memorandum of Understanding that will be established between the New York City entity in control of Site A and NYCDEP; NYCDEP, NYSDEC, Occupational Safety and Health Administration (OSHA), and Environmental Protection Agency (EPA) requirements; a NYCDEP-approved Remedial Action Work Plan; and a construction health and safety program (CHASP) (see Chapter 10). Any underground storage tanks located on the project sites would be removed and disposed in accordance with Federal, State, and local regulations, and contaminated soil discovered during tank removal would be remediated according to the requirements of the

NYSDEC Spills program. The implementation of these measures and the SWPPP prepared for the proposed actions during construction activities would minimize the potential for significant adverse impacts to surface water quality. The proposed actions 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 the proposed actions would be hauled by DSNY or a private contractor according to applicable laws and regulations. Any hazardous materials encountered would be handled and removed in accordance with the Memorandum of Understanding; NYCDEP, NYSDEC, OSHA, and EPA requirements; a NYCDEP-approved Remedial Action Work Plan, and a CHASP (see Chapter 10, "Hazardous Materials"). The proposed actions would not involve the siting of solid or hazardous waste facilities. The proposed actions 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.

At present, public access to the waterfront on Site A is very limited and is provided only through the New York Water Taxi landing and Water Taxi Beach area; both uses are seasonal. No public access to the waterfront is available on Site B. The proposed actions would preserve the New York Water Taxi operations and would provide new waterfront access along the shoreline on Site A and Site B, including approximately 10.65 acres of waterfront parkland on Site A and an additional 2.42 acres of public open space on Site B, including a shore public walkway and supplemental open space along the waterfront. This new open space would provide for both active and passive recreation. This new waterfront park would connect to the existing waterfront park located on Queens West, north of Site A, creating one continuous waterfront park area.

Further, the new development anticipated on the project sites would create a new roadway system with a Class I bikeway and wide sidewalks that would provide direct access to the waterfront park from the project sites and surrounding neighborhood.

The new buildings created as part of the proposed actions would preserve existing view corridors down east-west streets. In particular, the view corridors down 50th and 51st Avenue toward the waterfront and Manhattan skyline beyond would be preserved.

The proposed actions 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.

Implementation of the proposed actions would create approximately 11.0 acres of publicly accessible open space on Site A and 2.42 acres of publicly accessible open space on Site B along the shoreline. A new roadway system with a Class 1 bikeway and wide sidewalks would provide direct access to the waterfront park. The new waterfront park would connect to the existing waterfront park at Queens West, to the north of the project sites, so that one continuous waterfront park would be present when both projects are completed.

The proposed actions are consistent with this policy.

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

As stated above, implementation of the proposed actions would result in the development of approximately 11.0 acres and 2.42 acres respectively of parkland and publicly accessible open space along the shorelines of Site A and Site B, and would provide direct visual access to the shoreline, as well as to the East River, Newtown Creek, Manhattan skyline, and Brooklyn waterfront. From adjacent side streets, visual access to the new waterfront, the East River and Newtown Creek, the Manhattan skyline and Brooklyn waterfront, would be maintained through the arrangement of the new blocks, streets, and buildings on the project sites. The removal of the tennis buildings and fencing currently present on Site A would enhance the views down 51st Avenue and Borden Avenue. In addition, the new block of 55th Avenue to be created across Site B under the proposed actions would create a new view corridor toward Manhattan where none exists today. Development of the waterfront shore public walkway, upland connection, and supplemental public access area on Site B would be dictated by a Waterfront Access Plan being established by the Special Zoning District to be mapped on the site as part of the proposed actions.

The proposed actions are consistent with this policy.

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

Site A is a suitable location for development of waterfront open space. First, the site's East River waterfront has been designated for development as public open space since 1990, when a prior project was approved for the site and the waterfront area was mapped as parkland. The Queens East River and North Shore Greenway Master Plan developed by NYCDOP and the New York City Department of Transportation (NYCDOT) in 2006 seeks to establish continuous waterfront access along the shoreline in Queens via a shared use trail. The plan also recommends development of a network of pedestrian and bicycle pathways, including signed bike lanes along the street network to be developed on Site A.

Development of the waterfront shore public walkway, upland connection, and supplemental public access area on Site B would be dictated by a Waterfront Access Plan being established by the Special Zoning District to be mapped on the site as part of the proposed actions.

Both Site A and Site B have the potential for water-enhanced recreation, particularly because of the wide, expansive views of the water and wide vistas of Manhattan, Brooklyn, and other areas of Queens available from the sites' shorelines. The sites are also located in a waterfront community district (Queens Community District 2) that is not well-served by open space.

As stated above, the proposed actions would entail development of parkland and publicly accessible open space along the shorelines of Site A and Site B, as well as a dedicated (Class 1) bikeway along the streets to be developed on Site A. The open space areas are intended to be used for both passive and active recreation, including biking, walking, and sports activities. This new waterfront park would connect to the existing waterfront park located on Queens West, north of Site A, creating one continuous waterfront park area.

The proposed actions 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 proposed actions do not entail development on lands under water. The purpose of the proposed actions is to implement a development plan for a large-scale housing development on publicly owned Site A that provides a substantial amount of affordable units, with associated retail amenities and community facility uses. The proposed new housing would be an integral part of the City's New Housing Marketplace plan for the provision of 165,000 units of affordable housing. Site A would also include a waterfront park that would substantially enhance public accessibility to the waterfront. Overall, therefore, the proposed actions would not interfere with the use or ownership of lands and waters held in the public trust. Thus, the public interest in the use of lands and water held in public trust would be encouraged and preserved. The proposed actions are consistent with this policy.

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

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

The proposed actions include establishing and mapping a new Special Zoning District, the Special Southern Hunter's Point District, on Sites A and B. This Special District would establish special bulk, height, and setback provisions for development on Sites A and B, with the goal of creating active, vibrant streetscapes; a varied skyline; and narrow towers that preserve view corridors and do not detract from the visual character of the waterfront area, which is an important visual resource.

As described in Chapter 8, "Urban Design and Visual Resources," the buildings currently located on Sites A and B are not important visual resources. They consist of two low-rise, corrugated metal buildings for a tennis club; tennis courts; an indoor tennis "bubble," and the former Queens County Savings Bank on Site A. Site B is currently developed with a three-story modern, brown brick structure and a two-story low-rise industrial structure. The tennis structures on Site A currently block views down 51st Avenue to the waterfront. With the proposed actions, a waterfront park would be created that would provide wide views of the waterfront, Manhattan skyline, and Brooklyn and Queens. Important view corridors down 50th and 51st Avenues would be preserved and enhanced, and new view corridors would be created down other east-west streets in the new development.

For many years, the Hunter's Point neighborhood was used by industrial and manufacturing uses that relied on local water bodies and the railway to transport materials and products. The former railroad gantries and the Pepsi sign in Gantry Plaza State Park located to the north of Site A are a reminder of Hunter's Point's industrial past. New views of these important scenic resources would be available from the waterfront park on Site A.

Therefore, proposed actions are consistent with this policy.

Policy 9.2: Protect scenic values associated with natural resources.

The project sites are located within an urban environment, and not within a Special Natural Area District, Special Waterfront Natural Area, Recognized Ecological Complex, or Significant Coastal Fish and Wildlife Habitat area. Natural resources on the site are primarily the wildlife and vegetation associated with the natural shoreline along Site A and B. Development on the project sites would take advantage of the waterfront location, with

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scenic vistas of Newtown Creek, the East River, Manhattan skyline, and Brooklyn waterfront by creating publicly accessible waterfront parkland and open space. The proposed actions would not reduce existing views or the scenic value of the East River or Newtown Creek. To the contrary, new views would be provided through the creation of on-site open space. The proposed actions 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.

The New York City Landmarks Preservation Commission (LPC) has confirmed that the project sites are not areas of archeological or architectural sensitivity. This policy does not apply to the proposed actions.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

As mentioned above and detailed in Chapter 7, "Historic Resources," the project sites are not areas sensitive for archaeological resources. Therefore, this policy does not apply. *