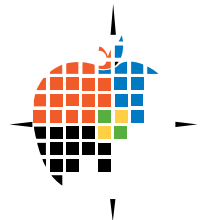


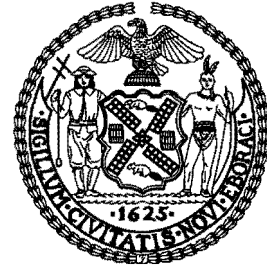
The New Waterfront Revitalization Program



New York City Department of City Planning



The New Waterfront Revitalization Program



As approved by the
Council of the City of New York and the
NYS Department of State with the
concurrence of the US Department of Commerce

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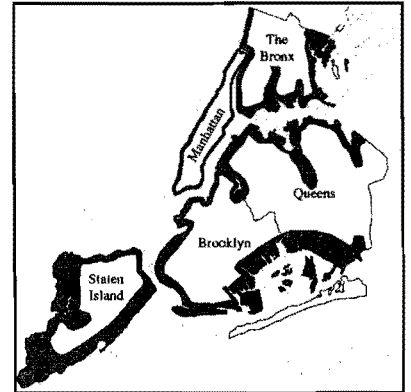
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PART I: The Program



Part I: The Program

The *New York City Waterfront Revitalization Program* (WRP) is the city's principal coastal zone management tool. As originally adopted in 1982 and as revised herein, the WRP establishes the city's policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among these objectives. Through individual project review, the WRP aims to promote activities appropriate to various waterfront locations. The program is designed to coordinate activities and decisions affecting the coast when there are overlapping jurisdictions or multiple discretionary actions. When a proposed project is located within the coastal zone and requires a local, state, or federal discretionary action, a determination of the project's consistency with the policies and intent of the WRP must be made before the project can move forward.

The new WRP is presented in three parts. The first contains an explanation of the program, its regulatory and planning context, and the consistency determination process. The second presents the new WRP policies, and the last contains maps of the Significant Maritime and Industrial Areas and the Special Natural Waterfront Areas to which the policies refer. An appendix contains sectional maps delineating the boundaries of New York City's coastal zone.

Coastal Zone Regulations and Jurisdiction

A local WRP, such as New York City's, is authorized under the state's Coastal Management Program which, in turn, stems from federal coastal zone legislation. The goals of the coastal management programs are met in part by the requirements of other state and local regulations, as well as the mandates of a variety of agencies. Coordination among these agencies is the key to managing the city's coastal resources.

Federal Coastal Zone Management Act

The purpose of the federal *Coastal Zone Management Act* of 1972 is to encourage and assist the states in preparing and implementing management programs to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The Act stipulates that federal actions and federally funded actions within the coastal zone must be, to the maximum extent feasible, consistent with approved state management programs. This provision includes Army Corps of Engineers permits, and use of federal funds for infrastructure improvement and other projects.

New York State Coastal Zone Management Program

Consistency with waterfront policies is a key requirement of the coastal management program established in New York State's *Waterfront Revitalization and Coastal Resource Act* of 1981. This Act requires that "...actions undertaken by State agencies within the coastal area... shall be consistent with the coastal area policies of this Article (Section 919(1))." The state program contains 44 coastal policies and provides for local implementation when a municipality adopts a local waterfront revitalization program (LWRP).

The New York State Department of State administers the state's coastal management program, and is responsible for determining whether federal actions are consistent with the coastal policies. For actions directly undertaken by state agencies, including funding assistance, land transactions and development projects, the state agency with jurisdiction makes the consistency determination which is filed with the Department of State.

New York City Local Program

New York City's original *Waterfront Revitalization Program* was adopted in 1982 by the New York City Board of Estimate as a local plan in accordance with Section 197-a of the City Charter. It incorporated the 44 state policies, added 12 local policies, and delineated a coastal zone to which the policies would apply. Pursuant to state regulations, the WRP was approved by New York State for inclusion in the New York State Coastal Management Program and then approved by the U. S. Secretary of Commerce on September 30, 1982, as required by federal regulations. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

Under the WRP, local discretionary actions, including those subject to the city's land use review (ULURP), environmental (CEQR) and variance procedures, and other 197-a plans, are reviewed for consistency with the WRP policies. WRP review of local actions is coordinated with existing regulatory processes and in most instances occurs concurrently. For local actions requiring approval by the City Planning Commission, the Commission acting as the City Coastal Commission makes the consistency determination. For local actions that do not require approval by the City Planning Commission but do require approval by another city agency, the head of that agency makes the final consistency determination. For federal and state actions within the city's coastal zone, such as dredging permits, the Department of City Planning, acting on behalf of the City Coastal Commission, forwards its comments to the state agency making the consistency determination.

Related Regulations

The New York State Department of Environmental Conservation (DEC) is responsible for management and protection of natural resources and environmental quality. The DEC regulates activities that may have a negative impact on wetlands and water quality. Activities such as draining, filling or building structures within a wetland or its adjacent buffer area may be undertaken only if DEC has granted a permit. In granting a permit, DEC is empowered to place conditions and restrictions on an activity which can include mitigation measures.

The Army Corps of Engineers (ACOE) is responsible for the protection and management of the nation's waterways and wetlands. Like the DEC, ACOE is empowered to review and issue permits for activities occurring in navigable waters and in tidal or freshwater wetlands that meet the national designation criteria. These activities include dredging, filling, bulkheading and placement of structures in the water. A central mandate of the ACOE is to maintain navigable channels and the general functioning of the waterways of commerce. In reviewing projects, the ACOE consults with other federal agencies including the U.S. Fish and Wildlife Service, the Coast Guard and the Environmental Protection Agency.

Much of the development occurring in or near New York's waterways requires permits from the DEC and the ACOE. To receive permits from either agency, a proposed project must be consistent with the state Coastal Zone Management Program and the local WRP. Local agencies, including the Department

of Parks and Recreation, the Economic Development Corporation, the Department of Buildings, the Department of Health, and the Department of Environmental Protection, also have roles in the redevelopment of New York City's waterfront and the protection of its water quality. Because of their differing mandates and missions, all the agencies involved in coastal issues may have conflicting permitting requirements. As part of its coordination role, the WRP consistency review can help to resolve these conflicts and to ensure that the city's policies and plans are considered by all permitting agencies.

Coastal Zone Boundary

As originally mapped and adopted in 1982, the coastal zone boundary defines the geographic scope of the WRP. (Sectional maps delineating the boundaries of New York City's coastal zone are presented in an appendix.) Pursuant to federal statute, the boundary encompasses all land and water of direct and significant impact on coastal waters.

The coastal zone boundary extends waterward to the Westchester and Nassau County and New Jersey boundaries, and to the three-mile territorial limit in the Atlantic. The boundary extends landward to encompass the following coastal features:

- Significant Maritime and Industrial Areas
- Significant Coastal Fish and Wildlife Habitats
- Special Natural Waterfront Areas
- Staten Island Bluebelts
- Tidal and Freshwater Wetlands
- Coastal Floodplains and Flood Hazard Areas
- Erosion Hazard Areas
- Coastal Barrier Resources Act Areas
- Steep Slopes
- Parks and Beaches
- Visual Access and Views of Coastal Waters and the Harbor
- Historic, Archaeological, and Cultural Sites Closely Associated with the Coast
- Special Zoning Districts

In developed areas devoid of these features, the coastal zone boundary is generally defined as the nearest legally mapped street at least 300 feet landward of the Mean High Tide Line. In undeveloped areas devoid of these features, the landward boundary is delineated at the legally mapped street nearest to the first major man-made physical barrier. Exceptions to these guidelines include City Island, Broad Channel Island, and the Rockaway Peninsula which are included within the coastal zone in their entirety. Federal lands and facilities are excluded from the coastal zone and consistency review in accordance with federal legislation. However, should the federal government dispose of any coastal property, it would be included in the coastal zone.

Planning Context for the New WRP

The new WRP builds on, and is a direct outcome of, numerous waterfront planning efforts since the WRP was originally adopted. These plans and studies have led to a more complete understanding of New York City's waterfront, calling attention to the need for a WRP that better reflects the different

conditions, issues and priorities along a diverse and complex coastline. The most important and influential of these studies is the *New York City Comprehensive Waterfront Plan* (1992).

The Comprehensive Waterfront Plan

The *New York City Comprehensive Waterfront Plan* (CWP) expresses the city's long-range goals for a 21st century waterfront. The companion *Borough Waterfront Plans* (1993-1994) offer site-specific recommendations in accordance with the CWP's planning goals. The CWP identifies four principal waterfront functional areas (natural, public, working and redeveloping) and promotes natural resources protection, public access and landmark preservation, water-dependent and other working waterfront uses, and new residential or commercial development in appropriate waterfront areas. The plans assess local conditions and propose short- and long-term strategies to guide land use change, planning and coordination, and public investment for each of the waterfront functional areas. The waterfront vision expressed by the CWP has been incorporated in the city's recently adopted waterfront zoning regulations and the policies of this new WRP. The CWP and the *Borough Waterfront Plans* provide the basis for adding geographic specificity to the WRP policies and for acknowledging that certain policies are more relevant than others on particular portions of the waterfront.

The New York City Waterfront Zoning Text

The waterfront zoning regulations, adopted in 1993, advance many of the CWP's recommendations and incorporate WRP goals and policies, such as requirements for public access and visual corridors in most new residential and commercial development. It also ensures that the scale of development is appropriate for the waterfront by controlling the height and bulk of waterfront buildings and pier structures. The zoning contains liberal provisions for water-dependent uses and allows for floating structures for the first time in New York City. The City Planning Commission and the City Council may also adopt Waterfront Access Plans to adapt the generic waterfront public access and visual corridor requirements to specific conditions in an area. Where WRP policy goals and the waterfront zoning overlap, the policies reference the zoning.

Adopted 197-a Plans

Community-based plans, adopted by the City Planning Commission and the City Council pursuant to Section 197-a of the City Charter, also provide a planning context for the WRP. Adopted plans addressing conditions and issues within the coastal zone, such as the Comprehensive Manhattan Waterfront Plan (1997), the Stuyvesant Cove Plan (1997), and the Red Hook Community Plan (1996), offer site-specific guidance to be considered in assessing the consistency of proposed actions with the WRP.

The Consistency Determination Process

All discretionary land use actions and projects involving the use of federal or state funds within the mapped coastal zone boundary must be found consistent with the policies and intent of the WRP. A proposed action or project is deemed consistent with the WRP when it will not substantially hinder the achievement of any of the policies and, where practicable, will advance one or more of the policies. In assessing the consistency of proposed actions with WRP policies, reviewers will be guided by the descriptions, standards and criteria set forth for each policy, as well as any relevant recommendations in the *Comprehensive Waterfront Plan*, the *Borough Waterfront Plans*, and adopted 197-a plans for areas within the coastal zone. Compatibility of the proposed project with its neighboring uses will also be taken into account.

The action must be found consistent with the WRP before it can be approved. However, a determination of consistency does not itself authorize or require the issuance of any permit, license, certification or other approval of any grant, loan or other funding assistance by the federal, state or local agency having jurisdiction pursuant to other provisions of law.

Locational Considerations and Policy Applicability

The WRP policies set general goals for the city's waterfront as a whole and specific goals for portions of the waterfront that have notable characteristics. A proposed project is reviewed to determine its consistency with the policies applicable to its specific waterfront location. A policy is considered applicable to a proposed project if its site, surroundings or the action itself involves activities or conditions relevant to that policy.

The program recognizes that the relevance of each applicable policy may vary depending upon the project type and where it is located. Policies therefore have different weight in a consistency review depending on whether a proposed activity would occur in an area characterized as most appropriate for redevelopment, working waterfront uses, natural resource protection, or public use. Public access and habitat protection are less relevant objectives along the working waterfront, for example, than they are in the public or natural waterfront areas. Conversely, promotion of water-dependent industry is less relevant than wetlands protection in the natural waterfront areas.

To further assist applicants and reviewers in determining the applicability of policies to a project and the level of review needed, the WRP recognizes two types of coastal areas with special characteristics that were identified in the CWP: the Significant Maritime and Industrial Areas (SMIAs) and the Special Natural Waterfront Areas (SNWAs). The six SMIA's, described under Policy 2, are particularly well-suited for maritime and industrial development. Waterfront activity that furthers the industrial or maritime character of these areas would be consistent with coastal policies for these properties. The city's three SNWAs, described under Policy 4, have particular natural habitat features that should be considered in connection with any waterfront activity. Activities that protect and restore these features would be consistent with waterfront policy for these areas. Activities proposed within the SMIA's and SNWAs which do not directly foster the goals for these areas may be found consistent, but would be analyzed to ensure that the special characteristics of these areas are not substantially impeded or destroyed. Maps depicting the boundaries of Significant Maritime and Industrial Areas and the Special Natural Waterfront Areas are included in Parts III and IV of this report.

When a policy is not applicable or relevant to the proposed project and its location, the policy would not be considered in the consistency review. Examples of inapplicable policies include ecosystem protection (Policy 4) in a fully built-up area devoid of natural features, and coastal erosion protection (Policy 6) for an upland project.

Inherently Consistent Actions

Some proposed projects directly foster the goals set for each of the waterfront functional areas. These activities include in-place bulkhead repair and replacement in the Significant Maritime and Industrial Areas, wetlands and habitat restoration and passive open space acquisition within the Special Natural Waterfront Areas, and disposition of city-owned property in areas outside the SMIA's and SNWAs. When one of these activities is proposed in a designated location, it would not require consistency review since the activity has already been determined to be consistent within the applicable WRP policies. In addition, actions with a limited scope, generally classified as CEQR Type II actions, are not reviewed for WRP consistency unless the project requires a federal or state permit.

Findings of Inconsistency with WRP Policies

In cases where a project does not appear consistent with one or more of the relevant policy standards and criteria, consideration is given to any practical means of altering the project to maximize its consistency with such standards and criteria. If a project is not so altered and therefore hinders the policies and intent of the WRP, it may be found inconsistent by the City Coastal Commission or the state agency with jurisdiction.

When a project is not consistent with one or more of the policies and cannot be modified, the state regulations (NYCRR 600.4(b)) allow the project to be found consistent if the City Coastal Commission or state agency certifies that the project satisfies the following four requirements: (1) No reasonable alternatives exist which would permit the action to be taken in a manner which would not substantially hinder the achievement of such policy; (2) the action taken will minimize all adverse effects on such policies to the maximum extent practicable; (3) the action will advance one or more of the other coastal policies; and (4) the action will result in an overriding regional or statewide public benefit. (This provision of the regulations may be altered by the Department of State in conjunction with proposed legislative changes).

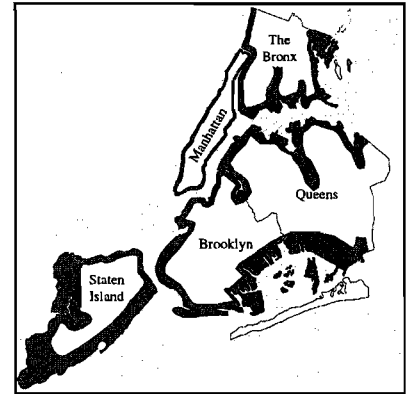
The New WRP Policies

To more effectively realize the city's waterfront planning goals, the 56 city and state policies in the original WRP have been replaced by ten policies dealing with: (1) residential and commercial redevelopment; (2) water-dependent and industrial uses; (3) commercial and recreational boating; (4) coastal ecological systems; (5) water quality; (6) flooding and erosion; (7) solid waste and hazardous substances; (8) public access; (9) scenic resources; and (10) historical and cultural resources. The ten policies are not presented in order of importance and are numbered only for ease of reference.

The 56 policies of the original WRP were sometimes vague, redundant, or confusing, and did not focus attention on the policies most relevant to a particular area. The program was difficult to administer because of its requirement that equal weight be given to sometimes conflicting policies without regard to the city's objectives for different sections of the waterfront. For example, it was difficult to balance policies that encourage redevelopment against those favoring water-dependent uses and natural resource protection without locational parameters for the policies.

The new policies simplify and clarify the consistency review process without eliminating any policy element required by state and federal law. For each policy, set forth in Part II, goals, standards and criteria are provided to set parameters for consistency determinations. Depending on the conditions in a particular area, the policies articulate appropriate land use goals and present a hierarchy of preferred options for meeting those goals.

PART II: The New Waterfront Revitalization Program Policies



Part II: The Policies

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

Where traditional industrial uses have declined or relocated, many coastal areas offer opportunities for commercial and residential development that would revitalize the waterfront. Benefits of redevelopment include providing new housing opportunities, fostering economic growth, and reestablishing the public's connection to the waterfront. This redevelopment should be encouraged on appropriately located vacant and underused land not needed for other purposes, such as industrial activity or natural resources protection. New activities generated by redevelopment of the coastal area should comply with applicable state and national air quality standards and should be carried out in accordance with zoning regulations for the waterfront.

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

- A. Criteria to determine areas appropriate for reuse through public and private actions include: the lack of importance of the location to the continued functioning of the designated Special Natural Waterfront Areas or Significant Maritime and Industrial Areas; the absence of unique or significant natural features or, if present, the potential for compatible development; the presence of substantial vacant or underused land; proximity to residential or commercial uses; the potential for strengthening upland residential or commercial areas and for opening up the waterfront to the public; and the number of jobs potentially displaced balanced against the new opportunities created by redevelopment.
- B. Public actions, such as property disposition, Urban Renewal Plans, and infrastructure provision, should facilitate redevelopment of underused property to promote housing and economic development and enhance the city's tax base.

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

- A. Residential, commercial, and other non-industrial projects that comply with the New York City Zoning Resolution satisfy the consistency requirements for this policy. If the project is not subject to zoning then the standards of the zoning resolution should be used as a guideline for development and the inclusion of open space, visual access, upland connections, and water-related uses.

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

- A. Encourage development at a density compatible with the capacity of surrounding roadways, mass transit, and essential community services such as public schools.

- B. Lack of adequate local infrastructure need not preclude development, but it may suggest upgrading or expansion of inadequate or deteriorated local infrastructure. The city will rely solely on the City Environmental Quality Review process to identify infrastructure limitations.

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

New York City's waterfront supports waterborne and airborne cargo and passenger transportation, industrial activity, and municipal and public utility services, including energy generation, storage and distribution facilities. These working waterfront uses have locational requirements that make portions of the coastal zone especially valuable as industrial areas. These areas have been recognized by the designation of the six Significant Maritime and Industrial Areas (SMIAs) in the *New York City Comprehensive Waterfront Plan* (CWP): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook Marine Terminal, Sunset Park/Erie Basin, and Kill Van Kull. (See maps in Part IV.) The major criteria used to delineate these areas include: concentrations of M2 and M3 zoned land; suitable hydrographic conditions for maritime related uses; presence of or potential for intermodal transportation, marine terminal and pier infrastructure; concentrations of water-dependent and industrial activity; relatively good transportation access and proximity to markets; or availability of publicly-owned land. All six of these areas exhibit combinations of most of these characteristics. The operation and expansion of these activities should comply with applicable state and national air quality standards for industrial and maritime areas.

Within the SMIA's, activities which support industrial or maritime activity are consistent with this policy. If an activity satisfies the criteria contained in standard 2.1 of this policy, then it is consistent with the City's goals for these areas and need not be subject to further review. Public investment within the SMIA's should be targeted to improve transportation access and maritime and industrial operations. In-kind, in-place bulkhead replacement and maintenance and maintenance dredging are essential to the operation and preservation of working waterfront uses and are consistent with the intent of this policy. Any such project activity within an SMIA will be presumed consistent with the WRP and the consistency review and determination should focus on ensuring a safe disposal method. Most of the SMIA's have the site conditions necessary to support the development and expansion of rail freight facilities and intermodal freight movement, in addition to other working waterfront uses. Projects that facilitate, support, or result in the construction and operation of rail freight facilities and intermodal freight transportation are consistent with the goals of this policy and the intent of the SMIA designation.

Because the SMIA's are ideally suited for water-dependent uses, priority would be given to maritime uses or uses that incorporate water-dependent activities. However, the SMIA's encompass much of the city's land zoned for heavy industrial uses. Many industrial uses essential to the functioning of the city are not water-dependent and cannot incorporate water-dependent elements. Non-water-dependent industrial and commercial uses conforming to zoning may therefore be considered appropriate in the SMIA's as long as the shorefront infrastructure is maintained to permit subsequent water-dependent use.

The city's two major airports, by virtue of their location and significance to the local and regional economy, are important waterfront facilities that merit special attention. They are treated as water-dependent uses within the Zoning Resolution. Public actions should ensure that the safety and

operational needs of the airports are met while protecting the environmental resources in Jamaica and Flushing Bays to the maximum extent feasible.

Outside the SMIA's, determination of the suitability of an area for working waterfront uses will depend on the compatibility of these uses with surrounding uses and natural features, and an evaluation of the area's long-term best use. All working waterfront uses should be undertaken in a manner that is in compliance with state and national air quality standards.

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

- A. Promote the development and operation of working waterfront uses, and measures that support these uses such as dredging for navigation and maintenance purposes. Actions that would inhibit the efficient operation of the SMIA's as industrial or maritime areas should be avoided.
- B. Maintain sufficient manufacturing zoning in SMIA's to permit heavy industrial uses essential to the city's economy and the operation of utilities, energy facilities and city services.
- C. Where feasible, give priority to maritime, maritime support and water-dependent uses when siting municipal facilities and disposing publicly owned property. Discourage the location of non-water-dependent municipal facilities, other than parks, on sites with waterfront access, unless available upland sites are not feasible or appropriate for the intended use.
- D. Where feasible, development on property leased or sold by public agencies should be designed so that future berthing of maritime support vessels would be possible.
- E. Preserve or improve existing shorefront infrastructure, including bulkheads, wharves, and piers, to permit simultaneous or subsequent water-dependent activity and to promote flood and erosion control.
- F. Non-water-dependent uses on in-water or over-water structures should be undertaken in accordance with the zoning resolution, and those projects undertaken in non-zoned areas should use the standards of the zoning resolution as guidance.

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

- A. Criteria to determine areas appropriate for working waterfront uses outside the Significant Maritime and Industrial Areas include: suitable hydrologic and site conditions; presence and condition of waterfront infrastructure; appropriate zoning; proximity and access to truck and railroad transportation routes; suitable access to markets, customers and delivery networks; adequate and appropriate buffering from surrounding residents; and existing development patterns.

- B. Support continuation of industrial uses in those areas outside SMIA's that are well-located relative to customers and delivery networks and adequately buffered from surrounding residences.
- C. Permit heliports and other aviation facilities in areas well-situated to serve demand and where impacts on surrounding uses can be minimized.
- D. Support improvements to airport operations, passenger and freight access, and cargo handling facilities.

2.3 Provide infrastructure improvements necessary to support working waterfront uses.

- A. Identify and implement public transportation improvements necessary to provide adequate truck access to working waterfront areas.
- B. Maintain and improve intermodal and rail freight facilities where feasible.
- C. Maintain and improve shorefront and navigational infrastructure in areas that are important to operations of water-dependent industry.
- D. Maintain channel depths necessary to accommodate port activities.
- E. Site port facilities in locations with hydrologic and hydraulic conditions most suited to the vessels.
- F. Dredge spoils must be disposed of using an approved method at an approved site. Priority for the disposal of dredged materials should be given to beneficial uses, such as wetland creation, beach nourishment or port redevelopment, that are appropriate for the material and its level of contamination.

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

Commercial waterborne activity, both for transportation and recreation, contributes to the economy and quality of life within New York City. These activities include cruise ships, ferries, excursion boats, fishing party boats and small pleasure craft. Such activities are compatible with many residential and commercial uses, and can locate throughout the waterfront where market and site conditions permit. Passenger ship operations and maritime centers, such as City Island, Sheepshead Bay, and Great Kills, support concentrations of commercial and recreational boating, as well as other commercial uses. In areas that support concentrations of commercial and recreational boating, maintenance activities for these uses have priority over other activities and are generally consistent with the WRP. For purposes of operational continuity of passenger ship operations and at maritime centers, in-place bulkhead replacement and repair, and replacement of docks or other maritime infrastructure will be considered maintenance activities not requiring WRP consistency review.

- 3.1 Support and encourage recreational and commercial boating in New York City's maritime centers.**
- A. Maintain manufacturing or commercial zoning that permits commercial pleasure boat operations.
 - B. Develop upland properties in a manner compatible with continued maritime use of the waterfront and that takes advantage of their proximity to the waterfront.
 - C. Permit maintenance and repair measures that support commercial and recreational boating, including maintenance dredging.
 - D. Maintain channel depths necessary to accommodate port activity.
 - E. Reduce potential navigation hazards by minimizing obstruction in coastal waters, limiting congestion in harbors and channels, and mediating conflicts among water users. When determining rights to navigable waters, priority should be given to commercial vessels.
- 3.2 Minimize conflicts between recreational, commercial, and ocean-going freight vessels.**
- A. Site recreational boating facilities, particularly those serving vessels with limited power and maneuverability, in waters without heavy concentrations of maritime and industrial, ferry, and commercial vessel activity.
 - B. Site facilities for recreational vessels so as to avoid locations with strong currents and those prone to heavy wave or wake action. Site mooring or docking facilities for recreational boats in areas where there is adequate natural protection or where structurally adequate and environmentally sound protection can be created.
- 3.3 Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.**
- A. Provide means to prevent spillage of petroleum products at refueling stations and to clean up when spillage occurs.
 - B. Minimize runoff from boat yards and service areas to prevent petroleum products, paints, solvents, and other substances harmful to the environment from entering the aquatic environment.
 - C. Limit discharge of vessel waste into waterways by providing adequate pumpout facilities.
 - D. Minimize the potential for erosion impacts from new or existing marinas on surrounding natural shorelines, particularly within the Special Natural Waterfront Areas.

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

The coastal ecosystem within New York City is composed of all the migratory and resident wildlife and the diverse vegetation that inhabit the open waters, embayments, rivers, tidal creeks, tidal and freshwater wetlands, coastal lowlands, beaches, offshore islands and adjacent uplands. The central goal of this policy is to avoid any adverse primary or secondary impacts to the coastal ecosystem. Impairment to the terrestrial and aquatic habitat areas, functions, and other elements of this ecosystem results from outright physical loss of elements (primary impact), degradation of these elements caused over time by actions within or adjacent to a community (a secondary impact), as well as functional loss caused by the introduction of uses that are disruptive to certain wildlife or plant species. Unavoidable adverse impacts from a proposed project should be minimized and mitigated.

This policy seeks the protection and, where appropriate, restoration of specific designated natural resources, including state and federal regulated tidal and freshwater wetlands, designated Significant Coastal Fish and Wildlife Habitats, vulnerable plants and animals, rare ecological communities, and the natural ecological communities. Many of these resources are presently protected as public parklands. Guidance for activities in and adjacent to tidal and freshwater wetlands is provided by State and Federal wetlands laws, including the *Freshwater Wetlands Act*, the *Tidal Wetlands Act*, and *Stream Protection Act*, *Section 401 Water Quality Certification*, the *Clean Water Act*, or their successors. Furthermore, this policy recognizes the importance of maintaining contiguous natural areas to ensure the viability of the natural communities within them. Fragmentation of ecosystems can lead to loss of species that need large expanses or access to several types of habitats in which to breed or feed.

The *New York City Comprehensive Waterfront Plan* recognizes large concentrations of important natural coastal features by designating three Special Natural Waterfront Areas (SNWAs): Northwestern Staten Island Harbor Herons Area, Jamaica Bay, and East River Long Island Sound area, including a major part of Flushing Bay. (See maps in Part III.) The SNWAs are large areas with concentrations of the natural resources, including wetlands, habitats and buffer areas described above. Each of the SNWAs has a combination of important coastal ecosystem features, many of which are recognized and protected in a variety of regulatory programs, including the Significant Coastal Fish and Wildlife Habitats, Coastal Erosion Hazards Areas, and Tidal and Freshwater Wetlands. This policy is applicable to any project proposed within the SNWAs and is the primary policy to be considered. Public investment within the SNWAs should focus on habitat protection and improvement and should not encourage activities that interfere with the habitat functions of the area. Acquisition of sites for habitat protection is presumed consistent with the goals of this policy. Further fragmentation or loss of habitat areas within the SNWAs should be avoided and could be the basis for a determination of inconsistency with the WRP.

This policy also recognizes the presence of other ecological complexes where clusters of valuable natural features are somewhat more fragmented than those in the SNWAs. Referred to herein as Recognized Ecological Complexes, the waterfront areas along the south shore of Staten Island and Riverdale in the Bronx contain a variety of important natural resources, including Significant Coastal Fish and Wildlife Habitats, as well as upland habitats intermingled with residential development. This policy is therefore applicable to determinations of consistency for any proposed action within these two areas.

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.

- A. Avoid activities that may cause or cumulatively contribute to permanent adverse changes to the ecological complexes and their natural processes. When avoidance is not possible, minimize the impacts of the project to the extent feasible and mitigate any physical loss or degradation of ecological elements. Use mitigation measures that are likely to result in the least environmentally damaging feasible alternative.
- B. Avoid fragmentation of natural ecological communities and maintain corridors to facilitate the free exchange of biological resources within and among these communities. Protect those sites which have been identified as key to maintaining habitat connections within the ecological complexes.
- D. Where practical, restore ecological complexes so as to ensure their continued existence as natural, self-regulating systems.
- E. Protect designated Significant Coastal Fish and Wildlife Habitats from land or water uses or development which would:
 - destroy habitat values associated with the designated habitat through direct physical alteration, disturbance, or pollution, or indirect effects of actions that would result in a loss of habitat; or
 - significantly impair the viability of the designated habitat beyond the tolerance range of important fish or wildlife species which rely on the habitat values within the designated area through: degradation of existing habitat elements, change in environmental conditions, functional loss of habitat values, or adverse alteration of physical, biological, or chemical characteristics.

Where destruction or significant impairment of habitat values cannot be avoided, the potential impacts of land use or development should be minimized and any resulting losses of habitat mitigated to the extent practicable.
- F. Protect indigenous plants from excessive loss or disturbance and encourage greater quantity and diversity of indigenous plants to the extent practical. Avoid use of non-indigenous plants except in ornamental gardens, as collector specimens, or for erosion control and filtration provided that it is not feasible to use native species to perform the same functions. Avoid use of non-indigenous plants that are invasive species likely to alter existing natural community composition. Where destruction or significant impairment of plants cannot be avoided, the potential impacts of land use or development should be minimized and any resulting losses of plants mitigated to the extent practicable.

4.2 Protect and restore tidal and freshwater wetlands.

- A. Prevent the net loss of wetlands by: (1) avoiding the draining of, placement of fill in or excavation of wetlands; (2) minimizing adverse impacts resulting from unavoidable

draining, fill, excavation or other activities; or (3) providing mitigation for any adverse impacts which may remain after all appropriate and practicable minimization measures have been taken. These are presented in order of descending preference with (1) being the most effective and preferred option.

- B. Maintain or create indigenous vegetative buffers between wetlands and nearby uses to protect the wetland's character, quality, values, and functions. Buffers should be designed and maintained to preserve hydrologic balance within the wetland and between the wetland and surrounding upland area. The adequacy of the buffer width and composition is determined by: (1) the potential for adverse effects associated with the proposed or existing use; (2) the nature and importance of the wetland and its benefits to the ecological complex; (3) the direction and flow of surface water between a use and the wetland; and (4) the necessity to achieve and maintain a high filtration efficiency or surface runoff as determined by vegetative cover type, soil characteristics, and slope of land. In all cases, the buffer must not be less than that required by state law. If site constraints do not allow sufficient buffer width, consider other management measures or design alternatives to preserve or achieve hydrologic balance.
- C. In the SNWAs and Recognized Ecological Complexes, restore tidal wetlands and freshwater wetlands wherever practical to foster their continued existence as natural, self-regulating systems. As site conditions require, wetlands restoration efforts should include reconstruction of lost physical conditions to maximize wetlands values, adjustment of altered chemical characteristics, reintroduction of indigenous flora to emulate natural conditions, and enhancement of adjacent areas to provide natural buffers to wetlands.

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.

- A. Avoid harming vulnerable fish and wildlife species, which are those listed in regulation 6 NYCRR Part 182.5 as Endangered Species, Threatened and Special Concern Species, and the habitat of listed species during all stages of their life cycles.
- B. Protect vulnerable plant species, which are those listed in regulation 6 NYCRR Part 193.3 as Endangered Species, Threatened Species, Exploitably Vulnerable Species and Rare Species, and the habitats of listed species necessary to their survival.
- C. Protect rare ecological communities, which include those that qualify for a Heritage State Rank of S1, S2, S3 or an Element Occurrence Rank of A (ECL 11-0539).

4.4 Maintain and protect living aquatic resources.

- A. Promote sustainable commercial and recreational use of living aquatic resources and efforts to restore fish and shellfish populations. The scale and method of harvest should be appropriate for the resources and the physical characteristics of the harvest area.

Promote harvesting of shellfish stock for depuration and for relays by nearshore hand harvesters.

- B. Protect native stocks and maintain sustainable populations of indigenous fish and wildlife species and other aquatic living resources, including shellfish. Protect spawning grounds, habitats and water quality to preserve aquatic resources.
- C. Artificial stocking should only be undertaken when it will not result in loss of the genetic integrity of native populations. Prevent the introduction of non-indigenous species into natural environments unless it is part of an approved pest control program.
- D. Protect native stocks from potential adverse biological impacts due to aquaculture. Provide leases of state-owned underwater lands for aquaculture only in areas that are not significant shellfish producing areas or that are not supporting significant shellfish hand-harvesting.

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

The purpose of Policy 5 is to protect the quality and quantity of water in the New York City coastal area. Quality considerations include both management of pollution from point sources and the nonpoint pollution controls mandated by the 1990 Coastal Zone Act Reauthorization Amendments. Quantity considerations include approaches for ensuring that wetlands and natural areas receive sufficient quantities of water to sustain or improve their functioning, which in turn will preserve and maintain water quality. All projects that involve discharges to waterbodies need to comply with applicable state water quality standards and regulations. Specific nonpoint pollution management measures are presented in the Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (U.S. EPA, 840-B-92-002).

5.1 Manage direct or indirect discharges to waterbodies.

- A. Minimize the adverse impacts to fish and wildlife habitats caused by artificial input of large quantities of freshwater into tidal or brackish waterbodies.
- B. Minimize the adverse impacts to fish and wildlife habitats caused by effluent discharge that result in thermal changes from steam generating, heating, air conditioning, and industrial facilities.

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

- A. Use best management practices, including the preservation and enhancement of coastal vegetation, to minimize nonpoint discharge into coastal waters of excess nutrients, organics, eroded soils, and pollutants, and to control stormwater runoff from roadways and other developed areas.

- B. Minimize nonpoint source pollution of coastal waters using the following approaches listed in order of priority: (1) avoid pollution by limiting sources; or (2) reduce pollutant loads to recipient waters by managing unavoidable sources.
- C. Limit sources of atmospheric deposition of pollutants to New York City waterbodies and streams, particularly from nitrogen sources, which may deteriorate water quality or impair aquatic habitats.

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

- A. Undertake dredging and dredge spoil disposal in coastal waters in a manner that meets state dredging permit requirements, protects significant coastal fish and wildlife habitats, natural protective features, wetlands and aquatic resources, and, where feasible, maintains or improves aesthetic resources.
- B. Ensure that excavation and fill operations meet state standards for physical factors, such as pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity, health factors such as pathogens, chemical contaminants, and toxicity, and aesthetic factors such as oils, floatables, refuse, and suspended solids.
- C. Minimize potential adverse impacts on aquatic life during excavation or placement of fill by using clean fill material and appropriate scheduling of operation.

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

- A. Determination by the state of coastal water classifications and water quality standards should be based in part on the upland land use policies and on the existing and intended waterfront functions.
- B. Minimize disturbance of streams including their beds and banks. Prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature and level of water.
- C. Maintain the viability of small streams and wetlands by protecting the quantity of water that feeds these areas.

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

This policy aims to reduce flooding and erosion hazards and to protect life, structures, and natural resources by reinforcing state and city flooding and erosion regulations. Development in coastal areas needs to be managed to reduce exposure to these coastal hazards. Guidance for construction and renovation of residential and non-residential structures in identified flood hazard areas is found within

the floodplain management statutes and regulations, including New York City Administrative Code, Section 10: General Limitations on Occupancy and Construction within Special Flood Hazard Areas, §27-316 and §27-317 (often referred to as Local Law 33 of 1988). Compliance and coordination with emergency preparedness plans is another important means of minimizing loss due to coastal hazards.

The inherent protective value of natural shorelines needs to be enhanced to ensure continuing benefits to the city, region, and state. Barrier landforms that protect significant public investment or natural resources should be maintained or restored. The benefits of erosion control structures for property owners will be balanced against the impacts upon adjacent properties and to the waterbody as a whole, which can include increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation. Guidance for activities in identified erosion hazard areas are contained within the New York State Coastal Erosion Hazard Area statutes and regulations.

Maintenance of bulkheads and other hard erosion protection methods is essential to the function of the Significant Maritime and Industrial Areas (SMIAs) and, within these areas, should have precedence over other erosion protection methods and other policies. Within the Special Natural Waterfront Areas (SNWAs), protection of the natural shoreline and non-structural measures have priority over other erosion and flood control methods. It is a goal of this policy to employ measures most suited to the use and condition of differing locations in order to avoid haphazard use of structural measures that can exacerbate erosion.

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.

- A. Maximize the flooding and erosion protective capacities of natural shoreline features and minimize interference with natural coastal processes to avoid adverse effects on the shoreline. Generally, protection, maintenance, and restoration of natural coastal processes and shoreline features are preferred over use of structural measures. Non-structural measures have priority over structural measures, particularly within the SNWAs and Recognized Ecological Complexes.
- B. Development and other investments of private and public funds should be located in a manner that minimizes or eliminates potential exposure to flooding and other coastal hazards in the most environmentally sensitive manner. If feasible, locating non-water-dependent development and structures away from flooding and erosion hazards is the most effective means of achieving this option.
- C. Use vegetative plantings and other non-structural measures that have a reasonable probability of managing flooding and erosion based on shoreline characteristics including exposure, geometry and sediment composition. Use vegetative plantings to increase protective capacities of natural protective features at every opportunity and in combination with other types of measures. Use vegetative plantings alone to control erosion in areas where the potential success rate for vegetative methods is high.
- D. Use hard structural erosion protection measures, such as bulkheads, only where avoidance of the hazard is not practical using non-structural measures, and provide mitigation where structural measures will increase severity of the hazard to surrounding

public and private property. Allow use of hard structural measures within the SMIA's where they will maintain or develop infrastructure for water-dependent uses or support industrial uses. In areas with extensive use of hard structural measures, protect upland development and investment by supporting efforts to close gaps in the hardened shoreline, repair breaches, and maintain the structure.

- E. Design projects so that they do not adversely affect adjacent shorelines or properties by exacerbating flooding or erosion. Unavoidable impacts that result from a project should be mitigated to the extent practicable.

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

- A. Implement public structural flood and erosion control projects only when public economic and environmental benefits exceed public economic and environmental costs. Factors that may be considered in determining public benefit attributable to flood or erosion control measures include: economic benefits derived from protection of water-dependent commerce and public infrastructure, protection of significant natural resources, or protection of public open space and recreation facilities.
- B. Give priority to actions that protect public health and safety, mitigate flooding and erosion problems caused by past public actions, protect areas of intensive development, protect substantial public investment, and enhance natural habitats.

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

- A. Protect sources of beach nourishment sands from excessive depletion. Weigh proposals to excavate sand from publicly owned lands against future public needs for the sand.
- B. Protect sources of beach nourishment sand from exposure to toxic and hazardous materials.

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

The disposal of solid waste (residential, industrial and commercial wastes; demolition and construction debris; sludges from air, water pollution control, or resource recovery facilities; and dredge spoils) can affect the use and quality of the city's waterways and coastal lands. Among the concerns associated with the disposal and treatment of solid wastes and hazardous substances are the environmental damage caused by illegal dumping and the potential for contamination of water resources and coastal habitat areas, filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources in the coastal zone. The proper handling, disposal and transport of these materials is most important in the SNWAs.

Projects involving the handling, management, transportation or discharge of solid wastes and hazardous substances need to comply with the applicable state and local laws or their successors. Solid wastes are those materials defined under ECL 27-0701 and 6 NYCRR Part 360-1.2. Hazardous wastes are those materials defined under ECL 27-0901 and 6 NYCRR Part 371. Substance hazardous to the environment are defined under ECL 37-0101. Toxic pollutants are defined under ECL 17-0105. Radioactive materials are defined under 6 NYCRR Part 380. Pesticides are those substances defined under ECL 33-0101 and 6 NYCRR Part 325.

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.

- A. Prevent release of toxic pollutants, radioactive materials or substances hazardous to the environment which would have a deleterious effect on fish and wildlife and human resources. Limit discharges of bioaccumulating substances. Minimize resuspension of toxic pollutants and hazardous substances and wastes and reentry of bioaccumulative substances into the food chain for existing environmental sources. Limit use of pesticides to effectively target pest populations and to prevent direct or indirect entry of pesticides into waterways.
- B. Remediate inactive hazardous waste disposal sites to ensure that the public health and the waters, wetlands, and habitats are protected. The level of clean-up may be determined by the future use of the site.
- C. Provide an adequate plan for prevention and control of hazardous wastes, toxic pollutants and substances hazardous to the environment for any facility using such materials.

7.2 Prevent and remediate discharge of petroleum products.

- A. Minimize adverse impacts from potential oil spills by appropriate siting of petroleum off-loading facilities.
- B. Provide an adequate plan for prevention and control of petroleum discharges from any major petroleum-related facility. Clean up and remove any petroleum discharge in accordance with the guidelines contained in the *New York State Water Quality Accident Contingency Plan and Handbook*.
- C. Follow approved methods for handling and storage and use approved design and maintenance principles for storage facilities to prevent discharges of petroleum products.

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.

- A. Use routes and methods for transporting solid waste and hazardous substances that protect the coastal environment and the safety and general welfare of the public.

- B. Site and design solid and hazardous waste facilities so that they will not adversely affect protected natural areas, including Significant Coastal Fish and Wildlife Habitats, habitats and wetlands critical to vulnerable species, rare ecological communities, surface waters and aquifer recharge areas.
- C. Give priority to waterborne transport of waste materials and substances when siting solid and hazardous waste facilities within the coastal area where practical and economically feasible.

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

The intent of Policy 8 is to provide both physical and visual public access in a manner that balances the interests of public and private waterfront use. The public access provisions of the city's waterfront zoning regulations, adopted in 1993, implement this policy for actions subject to zoning. These zoning regulations establish public access requirements for most new residential and commercial development including: standards for the size and configuration of shorefront public open spaces; requirements for visual and physical connections to the upland; and design guidelines for the treatment of public spaces. Access is not required where it would be incompatible with the principal use of the site, or would be inappropriate for the scale of development. The regulations provide for adoption of Waterfront Access Plans to tailor the requirements to local conditions. Compliance with the requirements of the zoning text will satisfy this policy. If the project is not subject to zoning, the standards of the zoning resolution should be used as a guideline for the design of public access.

Although waterfront zoning regulations do not require public access in connection with industrial development, there are often appropriate opportunities for physical or visual access along the working waterfront. Where there is no risk to public health and safety or to industrial operations, this policy would encourage public parks, public piers and bikeway routes along the industrial waterfront.

This policy also presents standards for public lands, public facilities contiguous to the shoreline and lands under water (public trust lands). These standards are intended to preserve existing access to the shoreline provided by facilities such as public parks, beaches, marinas, piers, streets, highways; and existing easements on privately-owned land and to encourage public access improvements as a component of public projects.

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

- A. Protect and maintain infrastructure, including roadways and shoreline protection structures, which support public access and recreation facilities.
- B. Maintain in good repair existing public access areas to ensure public safety and enhance enjoyment.

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

- A. Encourage the development and maintenance of high quality public spaces in appropriate locations, particularly those that would facilitate connection of existing waterfront public access spaces and allow continuous access along the shore. The requirements of the New York City Zoning Resolution should guide the location and quality of public access areas.
- B. In SNWAs and Recognized Ecological Complexes, provide public access and recreation compatible with preservation of natural resources. To minimize adverse environmental impacts and avoid habitat impairment, use methods and structures including but not limited to: boardwalks, catwalks, nature trails with permeable surfaces, and barriers to vehicles such as bollards and berms. Protection of the natural resource may take priority over public access, if both cannot be accommodated on the project site. Where physical access cannot be accommodated, provide visual access to coastal resources.
- C. When public access cannot be included as a component of a public project, site and design the project in a manner that does not preclude the future development of public access.
- D. Encourage development of public access in industrially zoned areas where compatible and appropriate.

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

- A. Preserve existing visual access in the development of waterfront public lands and facilities. Minimize reduction of existing visual access caused by the scale, design, and location of public projects in areas such as streets, parks, bridges and highways. Preserve visual corridors provided or defined by mapped streets (open or improved) that terminate at the shoreline or within the waterfront block.
- B. The requirements of the NYC Zoning Resolution should guide the location and amount of visual access provided.

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

- A. When acquiring waterfront property for public access and open space, give priority to locations identified in published plans including, but not limited to: State Open Space Acquisition Plan Priority Sites; New York City Greenway Priority Routes; and adopted Waterfront Access Plans, or a location which meet one or more of the following criteria:
 - Sites with potential for waterfront-enhancing, water-related or water-dependent uses or recreation (passive or active, along the shore, on piers or in the water);

- Sites within proposed greenway and blueway (boating) routes that would link public waterfront access points, the foreshore, nearshore surface waters, and public parks and open spaces;
- Sites within a waterfront community district with less than New York City median of 1.5 acres of open space per 1000 population;
- Sites that would enhance natural resources and habitats;
- Sites that would improve access to public lands, buffer public lands from incompatible uses, or consolidate or connect existing public lands;
- Sites listed as local Historic Landmarks or listed on the State and National Register of Historic Places;
- Sites with scenic resource value as identified in local special district regulations; or
- an Urban Cultural Park site.

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

- A. Limit grants, easements, permits or lesser interest in lands underwater to those instances where there would be no overall adverse effect on the public interest in public trust lands.
- B. Limit the transfer of interest in public trust lands to the minimum necessary.
- C. Require documentation of ownership, riparian interest, or other legal right where such interests or rights are not readily apparent prior to approving private use of public trust lands under water.
- D. Limit grants in fee of underwater lands to exceptional circumstances.
- E. Retain a public interest in the transfer of interest in underwater lands which will be adequate to preserve appropriate public access, recreational opportunities, and other public trust purposes.
- F. Avoid substantial loss of public interest in public trust lands by the cumulative impact of individual conveyances.
- G. Re-establish public trust interests where appropriate in existing grants not used in accordance with the terms of the grant or the public trust doctrine.
- H. Minimize interference with public trust rights to the extent practicable, when exercising riparian interests. Provide mitigation to the extent appropriate where public access would be substantially impeded by the proposed activity.

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

The intent of Policy 9 is to prevent the impairment of natural and manmade scenic resources in the coastal area. High quality coastal landscapes may consist of waterbodies, landforms, vegetation and components of the built environment such as buildings, highways, bridges, piers, and other structures. In New York City, visual quality and scenic resources are recognized and protected through historic preservation, natural resources protection, parks and open space planning and acquisition, zoning special districts, waterfront zoning controls on over-water development, and urban design standards that shape new development.

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

- A. Ensure that new buildings and other structures are compatible with and add interest to existing scenic elements, such as landmarks, maritime industry, recreational boating facilities, natural features, topography, landforms and the botanic environment. Among the measures that may be considered are grouping or orienting structures to preserve open space and maximize views to and from the coast, and incorporating sound existing structures into development where harmonious with their surroundings.
- B. Where feasible and practical, provide views of visually interesting elements of water-dependent uses.
- C. New development should be compatible with the scenic elements defining the character of the area. The New York City Zoning Resolution provides standards for waterfront landscaping.
- D. Preserve existing vegetation or establish new vegetation where necessary to enhance scenic quality.
- E. Minimize introduction of uses that would be discordant with existing scenic elements, and screen unattractive aspects of uses that detract from the visual quality of nearby public parks and waterfront open spaces.

9.2 Protect scenic values associated with natural resources.

- A. In the Special Natural Area Districts (SNAD), SNWAs and Recognized Ecological Complexes, avoid structures or activities that interrupt landscapes, including introduction of discordant elements, such as intrusive artificial light sources, fragmentation of and structural intrusion into open space areas, and changes to the continuity and configuration of natural shorelines and associated vegetation.
- B. In SNADs, SNWAs and Recognized Ecological Complexes, design new development to complement the scenic character of natural resources. Minimize and screen discordant elements which cannot be inconspicuously located.

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

Archaeological sites and historic structures are tangible links to the past generations, events and cultures associated with New York City's coastal area. The intent of this policy is to protect, preserve, and revitalize those historic, archaeological, and cultural resources that have a coastal relationship or significance. All projects involving historic and archaeological resources need to comply with national, state, and local laws and regulations regarding designated historical resources, specifically New York City Administrative Code §25-303, and pertaining to the discovery, investigation, and recovery of archaeological resources.

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

- A. Protect designated historic resources, including those structures, landscapes, districts, areas, sites, or underwater structures that are listed or designated as follows:
 - any historic resource in a federal, state, or city park established, solely or in part, to protect and preserve the resource;
 - any resources listed on the National or State Register of Historic Places;
 - any resource designated as a New York City Landmark or Historic District; and
 - any resource that is a significant component of the New York City Urban Cultural Park.
- B. Protect resources, including those not listed or identified in 10.1 A, which are related to the historical use and development of the waterfront, including shipwrecks, lighthouses and other aids to maritime navigation, points of entry and embarkation, and structures related to the defense of the Port of New York.
- C. Foster efficient and compatible use of historic resources to maximize retention of the historic character and minimize their alteration.

10.2 Protect and preserve archaeological resources and artifacts.

- A. Minimize potential adverse impacts to significant archaeological resources by redesigning the project, reducing the direct impacts on the resource, or recovering data prior to construction.
- B. Conduct a cultural resource investigation when an action is proposed on an archaeological site, fossil bed or in an area identified as potentially sensitive for archaeological resources.

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