Chapter 12: Waterfront Revitalization Program

A. INTRODUCTION

This chapter examines the compliance of the proposed project with the City's Waterfront Revitalization Program (WRP). 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 Coastal Zone Management (CZM) Act of 1972 was established 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.

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. 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.

The WRP is the City's principal coastal zone management tool, and is included as part of New York State's Coastal Zone Management Program. As originally adopted in 1982 and revised in 1999, it 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 WRP adopted in 1982 established the City's Coastal Zone, and included a set of 56 policy statements, 44 State policies and 12 policies specifically applicable to the City of New York—that addressed the waterfront's important resources. A New Waterfront Revitalization Program was approved by the Council of the City of New York in October 1999, and was approved by the NYS Department of State and the U.S. Secretary of Commerce in the summer of 2002.

The new WRP replaces the 56 City and State policies approved in 1982 by ten policies aimed at simplifying and clarifying the consistency review process. 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. 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 new policies simplify and clarify the consistency review process without eliminating any policy element required by state and federal law. A Consistency Assessment Form (CAF) was also prepared for the proposed project and is provided in Appendix F.

PRINCIPAL CONCLUSIONS

Because the proposed project is located within the City's Coastal Zone, it is subject to the policies of the *New York City Waterfront Revitalization Program* (WRP), which establishes the City's policies for development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone. The proposed project would be consistent with the City's 10 WRP policies and standards. It would encourage greater public use of the coastal zone and improve water quality through the elimination of currently uncontrolled pollutant flows into the Gowanus Canal.

B. CONSISTENCY WITH LWRP POLICIES

New York City's WRP consists of 10 policies that are intended to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among these objectives. Each of the policies that were identified in the CAF as requiring further assessment are presented below, followed by a discussion of the proposed action's consistency with the policy.

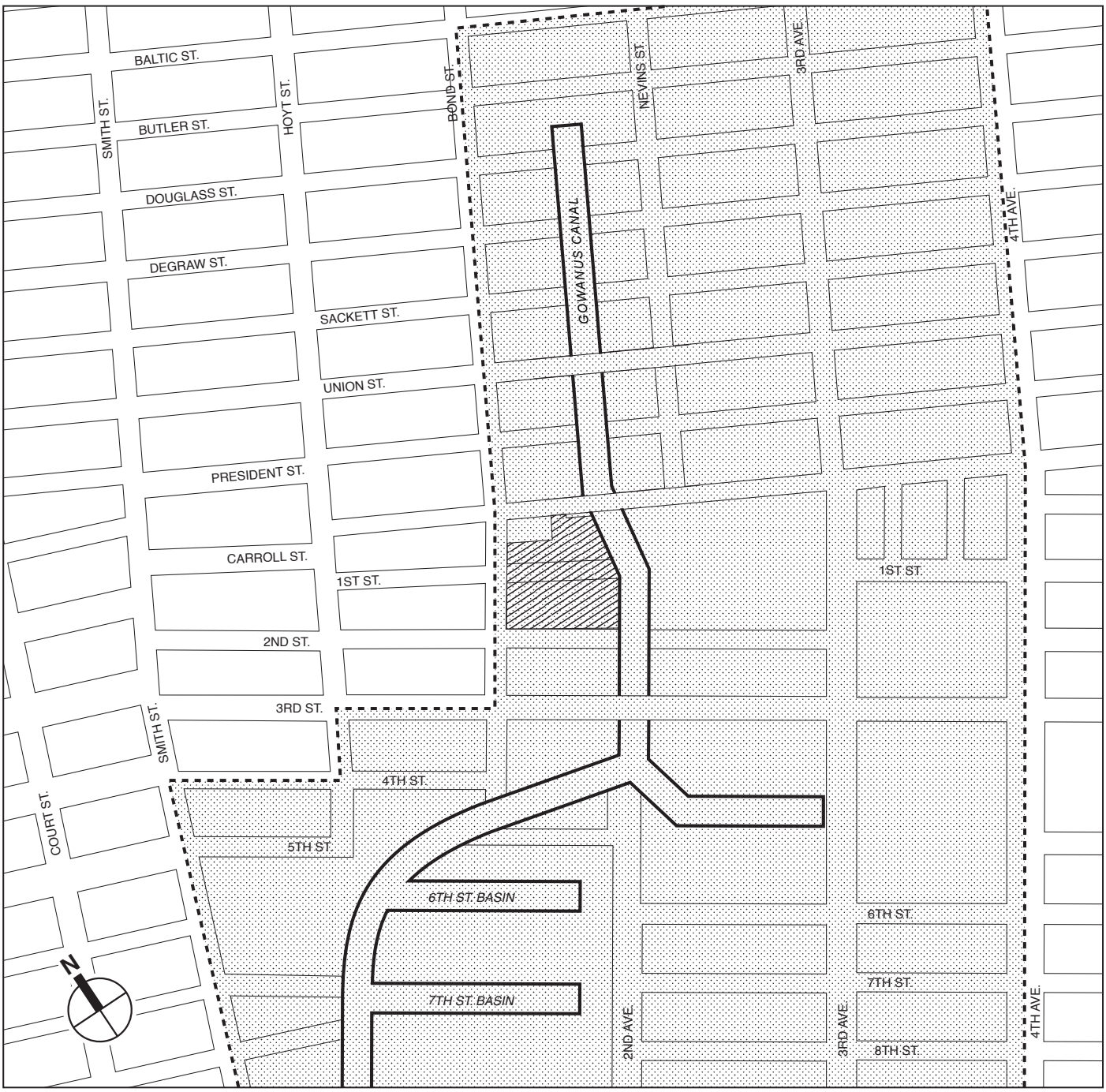
Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

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

The proposed project includes the rezoning of two blocks of the Gowanus Canal waterfront in, Brooklyn, both of which lie entirely within the City's coastal zone (see Figure 12-1). As described in Chapter 1, "Project Description," under the proposed project, existing manufacturing zoning would be replaced with a mixed residential/industrial zoning district that would allow residential uses (as well as some commercial and community facility uses) on the project site and open space uses along the waterfront of the canal.

Over the last three decades, the Gowanus Canal waterfront, juxtaposed between the Carroll Gardens and Park Slope residential communities, has experienced a pronounced decline in water-dependent industrial activity which has resulted in both vacant and underutilized waterfront properties. For example the project site includes vacant land and buildings, open vehicle storage and warehouses, none of which is labor intensive, is water dependent, or requires a waterfront location for operation. Moreover, industrial sectors in the city such as garment and textile manufacturing, have seen dramatic declines as companies have closed or moved their operations abroad. With the closure of the Bayside Oil facility, the canal north of the 9th Street Bridge no longer contains any active waterborne commerce (the last barge delivery of oil to the Bayside Oil terminal at Sackett Street was in 2003).

Conversely, while the industrial sector has declined in the area, the neighboring Carroll Gardens and Park Slope neighborhoods have experienced substantial growth in their residential population, with an increasing demand for new housing units.



363-365 BOND STREET

Waterfront Revitalization Program

Figure 12-1

In response to these land use and demographic changes, the City is considering the proposed actions and project for the purposes of providing opportunities for new residential development along the Gowanus Canal waterfront. This rezoning, if approved, would create the opportunity for new housing development on underutilized waterfront land as well as public waterfront access where there is no longer a strong demand for manufacturing, particularly water-dependent manufacturing, and where strong demand for housing exists.

The proposed project would advance the redevelopment of one segment of the Gowanus Canal waterfront, through a general large-scale development plan that would include a revitalized waterfront with residential uses, publicly-accessible waterfront open space with a continuous public walkway along approximately 500 linear feet of the Gowanus Canal waterfront between Carroll Street on the north and 2nd Street on the south, and would provide the opportunity for future waterfront open space connections along the canal if additional waterfront development occurs in the future.

For all the above reasons, it is concluded that the proposed project is consistent with this policy.

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

Consistent with this policy, the proposed project would create new waterfront residential development with commercial and community facility uses supporting these waterfront uses along with approximately 0.7 acres of new publicly-accessible waterfront open space that would attract the public with both physical and visual access to the water's edge.

The new residential units, which would add an estimated 1,006 residents to the project site, would significantly revitalize and enliven the local waterfront, by bringing a 24-hour population to this underutilized reach of the Gowanus Canal waterfront. In addition, the proposed and potential commercial and community facility uses would support the local residential community and further enhance and enliven the waterfront.

The proposed actions and project would be the first step in the opportunity for a continuous waterfront walkway along the Gowanus Canal that would link public spaces along the canal waterfront (recognizing that any future development could be subject to requirements for a waterfront open space similar to that proposed by the applicant and is subject to future discretionary actions). Such an open space at the project site (a total of approximately 0.7 acres on the project site) and potentially along the larger canal would provide a significant neighborhood amenity and open space in an area that is largely developed and where other new open space opportunities of this magnitude are very limited.

In sum, by allowing the proposed waterfront development, opening public access to the waterfront of the project site and bringing a 24-hour population into the neighborhood, the proposed project would revitalize this underutilized waterfront and support the adjoining residential community. Thus, the proposed project would encourage greater public use of this segment of the coastal zone, and would be consistent with this policy.

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

The project area is largely developed with residential uses to the west and already served by existing streets and utilities that were created to support the local residential communities and the waterfront industry that is no longer present in the area. In addition, consistent with this policy, infrastructure on and along the project site would be upgraded to meet current design standards and needs with respect to stormwater management and treatment including the separation of sanitary and storm sewers and pre-treatment of stormwater runoff. For these reasons, it is concluded that the proposed project is 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.

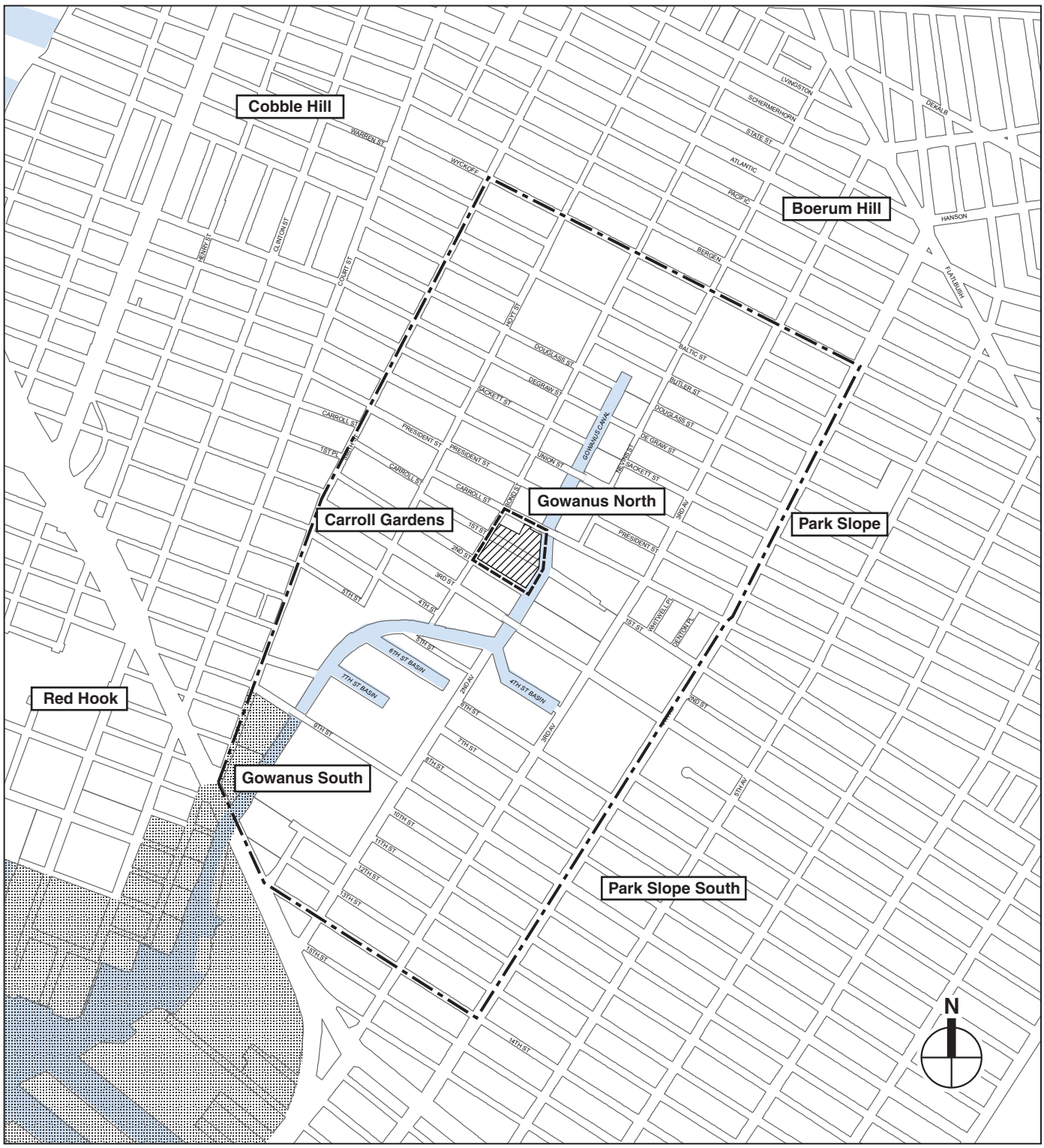
2.1 Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

Working waterfront uses have siting requirements that make portions of the City's 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. The principal criteria used to delineate these areas include: concentrations of M2 and M3 zoned land with active industries; 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 the designated SMIAs exhibit combinations of most of these characteristics. The project site is not within one of these six areas and therefore this policy does not apply. While the Plan for the Brooklyn Waterfront (Fall 1994) sought to identify working waterfront uses that could be preserved along the Gowanus Canal, the City's current comprehensive Waterfront Revitalization Program (September 2002) now targets the area of the Gowanus Canal up to 9th Street (leading from the Sunset Park waterfront area) as a Significant Maritime and Industrial Area (see Figure 12-2). This reflects the current land use pattern along the canal where these uses are more concentrated in the southern segment of the canal waterfront. Thus, this policy does not apply to the project site.

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

As discussed above, the Gowanus Canal waterfront has experienced a significant decline in industrial activity over the past several decades, particularly with respect to water-dependent industry. It is also not a waterfront that is directly accessible to shipping and other uses as it requires the opening of several bridges across the canal (the canal has bridges at a number of locations beginning at the open water of Gowanus Bay). As a result, the waterfront of the project site and much of the Gowanus Canal is characterized by many large vacant or underutilized industrial properties formerly used for manufacturing. None of these are used for maritime-related industries, including the project site.

Although the southern segment of canal does have active barge activity (near Hamilton Avenue) working waterfront uses are not prevalent along the Gowanus Canal waterfront and neither the expansion of, or the demand for, such uses is expected in the future. Neither the project site nor the nearby waterfront properties are suitable for contemporary waterborne freight access or cargo handling facilities, since the bulkhead



Sunset Park Significant Maritime and Industrial Area

Figure 12-2

and the maritime infrastructure has not been upgraded or improved for many decades (see the photographs of the project site in Chapter 7, "Historic Resources"). Moreover, if any waterborne commerce were considered for the canal it would require major and significant waterfront improvements and there is no known or viable waterborne commercial activity that would support these improvements or the investment it would require. Thus, no restoration of such waterborne commercial activities is proposed or contemplated for the future in this segment of the canal and the proposed project would not conflict with the City's policy to encourage working waterfront uses at appropriate sites outside the SMIAs. In addition, the proposed project would not displace any active water-dependent or maritime uses in the area. For these reasons, it is concluded that the proposed project is consistent with this policy.

2.3 Provide infrastructure improvements necessary to support working waterfront uses.

The proposed project is not a working waterfront project and 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.

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

The project site is part of a maritime area that was historically used for working waterfront uses which are no longer present. There is informal use of the canal for recreational boating and the proposed project would not conflict with that activity since the waterfront would be dedicated to publicly-accessible open space. For these reasons, it is concluded that the proposed project would not conflict with this policy.

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

The proposed project does not involve recreational, commercial, or ocean-going freight vessels and there is no such combination of activities in the Gowanus Canal. Therefore, this policy does not apply.

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

The proposed project would not introduce new commercial or recreational boating activities that would impact the aquatic environment. Therefore, this policy does not apply.

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

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

The project site is not a special natural waterfront area, a recognized ecological complex or a significant coastal fish and wildlife habitat and therefore this policy does not apply.

4.2 Protect and restore tidal and freshwater wetlands.

As discussed in Chapter 10, "Natural Resources," there are no freshwater wetlands in the study area. As shown in Figure 10-3 of Chapter 10, all wetlands are tidal along the Gowanus Canal. The shoreline along the proposed project area consists primarily of urban bulkhead and pier. There are no higher quality tidal wetlands such as tidal marsh or submerged aquatic vegetation. However, the Gowanus Canal is designated as littoral zone wetland (with shallow waters 1.8 meters [6 feet] or less in depth) by the New York State Department of Environmental Conservation (DEC). The littoral zone is defined under 6NYCRR 661.4(hh) as any "land under tidal waters" that is not part of other tidal wetland resource areas with specific ecological function (such as intertidal marsh, etc.) and is less than 1.8 meters (6 feet) deep at mean low water. The proposed project would involve the construction of a new sheet pile bulkhead that would have the least practicable impact on the waterbody and littoral zone wetlands by minimizing the width of the sheet pile to 12 inches. This would allow stabilization of the water's edge and implementation of the proposed waterfront open space. In addition, the proposed project would change the land cover at the site from industrial to residential and open space and would install new storm water collection and treatment systems that would reduce pollutant loads from the project site, thereby reducing the effect on local water quality and wetlands. In sum, the proposed project would not impact any freshwater wetlands and would protect tidal wetlands through its design of the waters edge and a reduction in pollutant loading. For these reasons, it is therefore concluded that the proposed project is 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.

Neither the project site nor the adjacent canal waterway contains any vulnerable plant, fish or wildlife species or rare ecological communities. 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 water bodies.

Consistent with this policy, the proposed project would manage stormwater runoff and sanitary discharges in a way that would not directly or indirectly impact local water quality. As described above, the project site is currently mostly covered by buildings or paved surfaces. Currently, stormwater sheet flows off the site or is conveyed by drains to the sewer in Bond Street. With the proposed project, all site generated stormwater flows would be captured, managed and treated as part of an overall stormwater management plan. Two new storm sewers would be installed under 1st and 2nd with new outfalls to the canal at the street ends. All stormwater from the project site would be conveyed to these new storm sewers and discharged directly to the canal. This would eliminate currently uncontrolled flows off the edge of the property into the Gowanus Canal. Sanitary flows from the proposed project would be conveyed to the combined sewer under Bond Street. The proposed stormwater plan is subject to the approval of DEC for the two new proposed outfalls to the canal at 1st and 2nd Streets. Consistent with this policy, the proposed project would properly manage direct and indirect stormwater discharges to local water bodies and would not adversely impact the coastal water quality.

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

As stated above, the proposed project would manage stormwater runoff and other sources of potential non-point source pollution both during its operational and construction phases. With the proposed project, stormwater flows from the project site would be captured, managed, and treated. This would eliminate currently uncontrolled flows from the industrial site into the Gowanus Canal. In addition, change in land use from industrial to residential and landscaped open space would allow for more water quality treatment and attenuation of stormwater than with existing conditions, thereby reducing pollutant loads. For these reasons, it is concluded that the proposed project is 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.

The proposed project would not involve any dredging or filling in navigable waters. Consistent with this policy, construction activities would need to comply with the requirements of a general stormwater pollution prevention plan and a permit would be obtained from DEC prior to construction. This plan would require erosion and sediment control practices during construction to ensure that the proposed project does not adversely impact local water quality or the adjacent tidal wetlands. With these protection measures in place, no adverse impacts would occur on the water quality of the Gowanus Canal.

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

As described above, the proposed project would include measures to protect local water quality and source water for tidal wetlands. Therefore, it is concluded that the proposed project is consistent with this policy.

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

Some portion of the project site along the immediate shoreline is within the 100-year floodplain (see Figure 10-2 in Chapter 10, “Natural Resources”). This area is subject to tidal flooding during major storm events.

The City’s Building Code contains required flood protection measures for all construction in flood hazard areas. Any new development in the coastal zone is subject to zoning and other applicable controls on building construction, height, and bulk in order to minimize the potential for damage caused by flooding and erosion. This includes, as applicable, development procedures that meet FEMA’s floodplain regulations (44 CFR 60.3), which includes the following:

> If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure

resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Consistent with this policy, all buildings on the project site would comply with both FEMA and New York City Building Code requirements regulating construction within flood hazard areas. This includes a first floor elevation of the proposed buildings that would be approximately one foot above the flood elevation.

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 project would not involve any public funding for flood prevention or erosion control measures. Therefore, this policy does not apply.

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

The proposed project would not affect any sand or beach nourishment areas. 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.

The proposed project would create new residential uses on the waterfront and eliminate manufacturing and vacant uses. All cleaners, paints, and related materials used in residential buildings would be stored and used within the enclosed service area of the proposed building and handled, and used in accordance with all City, state, and federal regulations applicable to these materials. No project activities would involve the discharge of hazardous or toxic pollutants. As described in Chapter 11, "Hazardous Materials," there is the potential for the project site to have hazardous materials from prior and current uses. Any regulated hazardous materials that need to be removed from the site would therefore be handled and removed during construction in accordance with the requirements of the City and the applicable State and Federal requirements. Implementation of these measures would prevent impacts from hazardous materials.

As described in greater detail in Chapter 11, "Hazardous Materials," past uses on the project site have included the use of hazardous materials. As a result, all subsurface soil disturbance would be performed in accordance with a Remedial Action Plan/Construction Health and Safety Plan (RAP/CHASP). The RAP would provide for the appropriate handling, stockpiling, testing, transportation and disposal of these materials in accordance with all applicable federal, state and local regulations. The CHASP would ensure that all such work is done in a manner protective of both human health and the environment. The RAP/CHASP was approved by the New York City Department of Environmental Protection (DEP) on January 29, 2009. Further, with respect to active spill numbers, the remediation would also be undertaken in consultation with DEC.

The RAP would specify that:

- Any encountered USTs (or drums or other containers) will be removed in accordance with DEC requirements including any necessary registration and spill reporting.
- Any impacted soils (which display petroleum odors and/or staining) that are encountered during the excavation/grading activities will be removed and properly disposed of in accordance with all DEC Regulations.
- If dewatering into NYC storm/sewer drains will occur during the proposed construction, then a DEP Sewer Discharge Criteria should also be completed in any areas where dewatering is expected.
- Upon completion of construction activities, a Closure Report certified by a Professional Engineer or Registered Architect will be submitted to DEP. This report will demonstrate that all remediation activities have been implemented appropriately. At a minimum, the report will include a summary of post-excavation analytical results, soil removal activities, all transportation manifests, soil disposal/recycling certificates, proof of installation of a vapor barrier, and proof of importing clean fill/top soil at any landscaped or grass covered areas (uncapped) at the site.

The CHASP would include:

- Dust control measures such as: fine sprays of water, mist curtains or chemical foams within the excavation area; covering of stockpiled or staged soils; real-time air monitoring for particulates and VOCs.
- Worker training; routine oversight/emergency response procedures; personnel protection standards; and mandatory safety practices and procedures.

As part of the proposed redevelopment of the project site:

- Any areas not covered by buildings or pavement (e.g., unpaved areas in the proposed waterfront esplanade) would be covered with a minimum of two feet of imported clean fill imported from an approved facility/source. A demarcation barrier would be placed to identify the base of the clean fill cover and the top of the remaining fill material. The clean fill/top soil would be segregated at the source, have qualified environmental personnel collect representative samples at a frequency of one sample for every 250 cubic yards, analyzed the samples for Target Compound List (TCL) VOCs, SVOCs, pesticides/PCBs and TAL metals by a New York State Department of Health Environmental Laboratories Approval Program-certified laboratory, compare to TAGM 4046 Recommended Soil Clean-up Objectives, and receive DEP written approval to use the clean fill/top soil. The clean fill/top soil would not be comprised of any construction and demolition (C&D) debris.
- Excavated soils, which are temporarily stockpiled on-site, would be covered with polyethylene sheeting while disposal options are determined. Additional testing may be required by the disposal/recycling facility. If any petroleum-based impacted soils (which display petroleum odors and/or staining) are encountered during the excavation/grading activities, the impacted soils would be removed and properly disposed of in accordance with all DEC Regulations.
- To avoid the potential for vapor intrusion into the future buildings, a vapor barrier, such as Grace Preprufe® membrane, would be applied to the underside of all foundation slabs. Any

penetrations would be sealed with a product such as Grace Bituthene® liquid membrane. The design of the vapor barrier system would be submitted to DEP for review and approval.

These measures would be implemented in accordance with a DEP-approved Restrictive Declaration (a type of legal of agreement/institutional control) for the project site (see Chapter 1, "Project Description."). With these measures in place, significant adverse impacts related to hazardous materials would be avoided during and post construction. With these measures in place, the proposed project is consistent with this policy.

7.2 Prevent and remediate discharge of petroleum products.

Consistent with this policy, petroleum products on the site would be addressed as part of the hazardous materials program presented under Policy 7.1, above. With these measures in place, the proposed project is consistent with this 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.

As is standard practice in the City, solid waste generated on the project site is expected to be collected by either the New York City Department of Sanitation (DSNY) (for residential uses) with a small amount collected by private solid waste management companies (for commercial uses) and transported to a licensed solid waste management facility. The proposed project is not expected to generate significant solid waste and limited household hazardous substances that would be characteristic of households in New York City. No solid waste or hazardous waste facilities, such as landfills or transfer stations, are proposed as part of this project. In addition, the proposed project is not expected to conflict with the City's Solid Waste Management Plan and would meet all recycling requirements of the City. For these reasons, it is concluded that the proposed project is consistent with this policy.

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

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

As described above, the project site is largely underutilized waterfront property and is almost entirely inaccessible to the public with the exception of the existing street ends. The proposed project would protect these publicly-accessible access points and integrate them into an overall open space plan that would provide important access to the waterfront and the City's coastal zone along the Gowanus Canal. Thus, the proposed project would create new waterfront open spaces and linkages along two privately held blocks of the canal, linking them with the publicly held street ends at 2nd and 1st Streets that would also be improved by the proposed project.

The proposed waterfront walkway would provide a substantial neighborhood open space that would allow both existing and future residents of the project area and project site the enjoyment of the water's edge, which is currently mostly inaccessible. It is therefore concluded that the proposed project is consistent with this policy.

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

As described above, the proposed project would convert the upland from underutilized vacant lands and industrial uses to residential uses with commercial and community

facility uses which would allow a compatible publicly-accessible open space along the waterfront. This proposed open space would be approximately 0.7 acres, and would dramatically improve public access to the waterfront, while serving as an important recreational amenity to the community. For these reasons, the proposed project is concluded to be consistent with this policy.

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

As described above, the proposed project would convert the upland from underutilized vacant lands and industrial uses to residential uses with commercial and community facility uses which would create the opportunity for a publicly-accessible open space along the waterfront. This proposed open space would be approximately 0.7 acres, and would dramatically improve visual access to the water and historic resources such as the historic Carroll Street Bridge. For these reasons, the proposed project is concluded to be consistent with this policy.

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

The proposed project does not include any public land. Therefore, this policy does not apply.

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

Although the project site does not include any lands held in public trust, the proposed project would provide direct public access to the water and facilitate the redevelopment of the area's waterfront. Therefore, this proposed project is concluded to be consistent with this policy.

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

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

Historic and visual features adjoining the site include the historic Gowanus Canal waterway and the historic Carroll Street Bridge. There is also the historic Former Brooklyn Rapid Transit Power House building across the canal from the project site. The proposed project would project open views of these resources from the proposed open space. It would also provide a new attractive landscaping along the canal that would be visible from other locations along the canal including the Carroll Street Bridge. For these reasons, it is concluded that the proposed project is consistent with this policy.

9.2 Protect scenic values associated with natural resources.

There are no scenic natural resources on the project site. Consistent with this policy the proposed project would protect the Gowanus Canal waterbody as a scenic natural resource and would protect its views of the water and open new views. For these reasons, the proposed project is concluded to be 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.

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

The only historic resource on the project site is a portion of the Gowanus Canal bulkhead, which has been identified as a contributing feature to the S/NR-eligible Gowanus Canal Historic District.. As described in Chapter 1, "Project Description," the project's proposed improvements along the water's edge includes improvements to the existing bulkhead. The existing bulkhead along the project site is a timber crib design that, though currently functioning, could not be utilized or repaired for the purposes of meeting the proposed waterfront access goals of both the project and the City. In order to make possible the construction of the proposed waterfront open space along the canal, the proposed project would modify the existing infrastructure by installing a new steel sheet pile bulkhead for the entire length of the waterfront. The design, location and elevation of the proposed bulkhead are subject to the approval of DEC and ACOE. As described in Chapter 7, "Historic Resources," the bulkhead rehabilitation work and storm water outfall installation would adversely impact portions of the bulkhead at the project site. To mitigate this impact, the reconstructed bulkhead would be faced in wood to match the existing face. In addition, an Archaeological Testing Protocol would be developed and implemented in coordination with the New York City Landmarks Preservation Commission (LPC) to identify and document any significant characteristics of the Gowanus Canal bulkhead along the site's eastern boundary. The field investigation would occur either in advance of or in concert with the proposed project and its waterfront improvements. The Archaeological Testing Protocol would be prepared in compliance with LPC's *Guidelines for Archaeological Work in New York City* (2002). These measures would have the potential to lend knowledge as to the historical methods used in building the bulkhead. In addition, the project proposes adding steel sheathing with a three inch thick by 14 inch wide timber veneer that will be visually consistent with the remnants of the original wooden bulkhead.

The proposed project would also create new public access to and along the Gowanus Canal including an esplanade and plaza area adjacent to the historic Carroll Street Bridge. This amenity would be expected to improve access to, and the visibility of the canal, and other nearby historic resources such as the Carroll Street Bridge and the Former Brooklyn Rapid Transit Power House.

For these reasons, it is concluded that the proposed project is consistent with this policy.

10.2 Protect and preserve archaeological resources and artifacts.

As described in detail above, the project's proposed improvements along the water's edge would adversely impact a segment of the existing S/NR-eligible Gowanus Canal bulkhead, an archeological resource on the project site. Consistent with this policy, the rehabilitation work on the bulkhead would be designed to preserve and protect the existing bulkhead to the greatest extent possible, and the proposed mitigation measures would have the potential to yield information as to the historical methods used in bulkhead construction (see discussion under Policy 10.1 above and Chapter 23, "Mitigation"). ✷