For Internal Use Only:
Date Received: _____

WRP no. 10-049
DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. 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.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: Industco Holdings, LLC C/O Greenberg Traurig
2. Address: 200 Park Avenue
3. Telephone: 212-801-9265 Fax: 212-801-6400 E-mail: segalj@gtlaw.com
4. Project site owner: Industco, LLC plus various

B. PROPOSED ACTIVITY

1. Brief description of activity:

   The proposed action consists of a rezoning action, large scale general development project, and supporting ancillary actions. The project area for the proposed action is outside of the New York City's coastal zone boundary with one minor exception. The exception is a small, triangular piece of land immediately north and west of the Cross Bronx Expressway westbound on-ramp from the Sheridan Expressway and east of West Farms Road (see attached figure). For the remainder of the project area, the coastal zone boundary extends only as far west from the Bronx River as West Farms Road, and is adjacent to the proposed action area for its full length. This assessment is oriented to full area to be rezoned.

2. Purpose of activity:

   Approval of the proposed action by the City Planning Commission (CPC) would allow for the revitalization of an under-utilized M1-1 manufacturing district to provide affordable work-force housing with retail and community facilities appropriate for the existing and proposed communities. However, the subject parcel of land which is within the City's coastal zone is not developable because it is part of the right-of-way for the Cross Bronx Expressway

3. Location of activity: (street address/borough or site description):

   The proposed action affects all or part of 11 blocks, consisting of two sections on either side of the Cross Bronx Expressway (see attached figure): a roughly triangular area bounded by Boston Road on the northwest, West Farms Road on the east, and the Cross Bronx Expressway on the south; and a larger area to the south, generally bounded by the Cross Bronx Expressway on the north, West Farms Road on the east, and Boone Avenue on the west and southwest.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

   NA

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

   It is anticipated that State and/or City funds will be sought for the project. The exact source of these funds has not yet been determined.

6. Will the proposed project require the preparation of an environmental impact statement?
   Yes ✓ No _____ If yes, identify Lead Agency:

   New York City Planning Commission

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

   The proposed zoning map amendment would rezone the area to a mix of R6A, R7A, R7X, and R8X residential districts with selected C2-4 commercial overlays. An amendment to the text of the NYC Zoning Resolution (ZR) would establish the Inclusionary Housing program within the proposed rezoning area and grant the CPC the authority, for LSGDs located in Bronx Community District 3, to exclude portions of buildings containing enclosed accessory parking from lot coverage. Also part of the proposed action is a request for special permits under ZR Sections 74-743, 74-744 and 74-745 to provide bulk and other waivers for an LSGD to be developed on sites controlled by the applicant. In addition, the NYC Department of Housing Preservation and Development (HPD) is proposing the disposition of a City-owned property to facilitate the development of a portion of the LSGD.

C. COASTAL ASSESSMENT

Location Questions:	**Yes**	**No**
1. Is the project site on the waterfront or at the water's edge?		✓
2. Does the proposed project require a waterfront site?		✓
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		✓

Policy Questions	**Yes**	**No**

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)		✓
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	✓	
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	✓	

Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	✓	
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✓
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		✓
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)		✓
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)		✓
33. Would the action result in any construction activities that would lead to erosion? (6)		✓
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✓
37. Would the proposed project affect a non-renewable source of sand ? (6.3)		✓
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	✓	
39. Would the action affect any sites that have been used as landfills? (7.1)		✓
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	✓	
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	✓	
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		✓
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	✓	
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✓
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)		✓
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✓
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		✓
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✓
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✓
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)		✓

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)	✓	
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		✓

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Gifford Miller

Address: Industco Holdings, LLC; 853 Broadway, New York, NY 10003

Telephone 212-813-3577

Applicant/Agent Signature: Date: 5/2/11

The Project Area for the Proposed Action is outside of the New York City's coastal zone boundary as outlined by the New York City Department of City Planning (DCP), with one minor exception. The exception is a small, triangular piece of land immediately north and west of the Cross Bronx Expressway westbound on-ramp from the Sheridan Expressway and east of West Farms Road. (See Figure K-1.) This land area is a part of the Cross Bronx Expressway right-of way, and is not a developable piece of property. For the remainder of the project area, the coastal zone boundary extends only as far west from the Bronx River as West Farms Road, and is adjacent to the Proposed Action area for its full length. For that reason, a consistency review of the Proposed Action with the WRP appears below. DCP's Waterfront Division has reviewed the WRP Form (WRP 10-049) submitted as part of the ULURP application for the Proposed Action and found that the application to be consistent with the NYC Waterfront Revitalization Program (4/29/2011).

CONSISTENCY OF THE PROPOSED ACTION WITH THE WRP

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

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

The Proposed Action would transform an underutilized industrial area adjacent to the city coastal area into a moderate-to medium-density, residential and commercial development that complements the existing commercial and residential development in the surrounding area. By increasing population density adjacent to a future, major parkland (Starlight Park) and the developing Bronx River Greenway, the Proposed Action would encourage access to the coastal zone area. In addition, by replacing an underutilized and relatively desolate industrial area with a lively and vibrant residential community, the Proposed Action will better link the existing residential areas to the west and north to the new Starlight Park. Therefore, the Proposed Action is consistent with this policy.

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

The Proposed Action would prohibit new industrial uses from being developed in the area and would introduce residential and commercial uses to a now underutilized industrial area. As discussed under Policy 1.1 above, the Proposed Action would increase population density adjacent to a future, major parkland and the developing Bronx River Greenway; in doing so, the Proposed Action would encourage access to the coastal zone area. Therefore, the Proposed Action would be consistent with this policy.

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

Policy 1.3 encourages redevelopment at a density compatible with the capacity of surrounding roadways, mass transit and essential community services and facilities such as public schools. Lack of adequate local infrastructure need not preclude development but may suggest upgrading or expansion of inadequate or

deteriorated local infrastructure. In accordance with the WRP, the City relies on the CEQR process to identify any such infrastructure limitations.

In general, the Proposed Action is located in an area with exceptional access to mass transit which would support greater residential density. In fact, PlanNYC 2030 identified the Proposed Action area as an ideal location for additional residential development. What follows below is a summary of Chapter 2.C "Community Facilities and Services" which considers these matters in greater detail.

As described in Chapter 2.C, the Proposed Action would not result in significant adverse impacts with respect to Bronx intermediate or high schools, or library, police protection, fire protection, and emergency medical services.

The Proposed Action would result in a potentially significant impact to elementary schools in Subdistrict 2 of Community School District 12. The applicant will enter into an agreement with the New York City School Construction Authority (SCA) to provide an option to locate an approximately 576-seat public elementary school on the east side of Boone Avenue just south of East 173rd Street (part of applicant-controlled Parcel 2N). The SCA and DOE would monitor school utilization rates as the proposed project is built to determine whether a new school is needed, as detailed in Chapter 2.C, Community Facilities and Services. Therefore, the Proposed Action would be consistent with this policy.

As described in Chapter 2.D, "Open Space," the Proposed Action would provide approximately 0.46 acres of publicly accessible open space in the form of public plazas on Parcels 1 and 2. The nonresidential study area population will continue to be well-served by open spaces, surpassing DCP's open space ratio guidelines.

In the future with the Proposed Action, the total open space ratio is projected to be 0.69 acres per 1,000 residents, a 6.6 percent decrease over the future no-action condition. Because the decrease in the residential study area open space ratio is sizeable, and because of this, the Proposed Action has the potential to result in a significant adverse open space impact. Possible mitigation measures are discussed in Chapter 3: Mitigation of Project Impacts and would ensure consistency with this policy.

With respect to water and sewer infrastructure, the site of the Proposed Action is currently developed with high lot coverage buildings with virtually every other portion of the existing lots paved for parking purposes. This leads to high run-off volumes during rainfall events. Under the methodology followed in the Chapter 2.J "Water and Sewer Infrastructure," the analyses indicated that site of the Proposed Action would not result in significant adverse impacts to the local water supply, sanitary wastewater treatment, or stormwater management infrastructure systems provided that BMP measures, as approved by DEP, would be incorporated into the development. The applicant has made this commitment, and for development sites not under control of the applicant, self-certification of house or site connection proposals will not be permitted by the Department of Buildings or DEP in connection with any proposed new developments or expansions of existing development for which sewer connections are required.

In addition, the Proposed Action would not result in significant adverse impacts on infrastructure in terms of water supply or sanitary sewage. As described in Chapter 2.J, "Water and Sewer Infrastructure,"

although the Proposed Action would result in an increased demand for drinking water and increased sewage discharge to the Wards Island WPCP, both municipal services have adequate capacity to meet the increased demand.

As described in Chapter 2.M, "Transportation," the Proposed Action would result in significant adverse impacts at eight intersections in the project area. Proposed mitigation measures have been proposed and approved for five of the eight impacted intersection. Proposed mitigation measures have been developed but not yet approved by NYCDOT at West Farms Road at East 173rd Street, East Tremont Avenue at East 177th Street, West Farms Road at Boston Road/ East Tremont Avenue, and West Farms Road and East 173rd Street. If NYCDOT decides to not implement the mitigation measures proposed for these intersections, then the significant impacts at these intersections would remain unmitigated.

As discussed in Chapter 2M, "Transit and Pedestrians," the Proposed Action would not result in significant adverse impacts to transit facilities or pedestrian facilities in the area.

In light of the existing infrastructure, and the additional measures that would be provided in connection with the Proposed Action, the local infrastructure is adequate to support the Proposed Action and, therefore, the Proposed Action would be consistent with WRP Policy 1.3.

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

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

The Proposed Action is not located in a Significant Maritime and Industrial Area. Therefore, this policy does not apply to the Proposed Action.

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

The Proposed Action is not near a working waterfront area. Therefore, this policy does not apply to the Proposed Action.

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

The Proposed Action would not include working waterfront uses. Therefore, this policy does not apply to the Proposed Action.

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

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

See response to Policy 1.1. It is expected that boat ramps and other facilities supportive of recreational boating will be provided in the new Starlight Park and that the Proposed Action will better link new and existing residential areas to the park. Therefore, the Proposed Action is consistent with this policy.

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

The Proposed Action would not provide facilities for recreational or commercial vessels. Therefore, this policy does not apply to the Proposed Action.

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

The Proposed Action would not provide facilities for recreational or commercial vessels. Therefore, this policy does not apply to the Proposed Action.

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 Proposed Action area is not within a Special Natural Waterfront Area, Recognized Ecological Complex, nor a Significant Coastal Fish and Wildlife Habitat. Therefore, this policy does not apply to the Proposed Action.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

The Bronx River in this area is classified as a littoral zone, which is considered as a tidal wetland. However, the Proposed Action would not directly affect nor restore any tidal or freshwater wetlands due to its distance from the resource, and the intervening West Farms Road and Sheridan Expressway rights-of-way. The policy is not applicable to the Proposed Action.

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

The Proposed Action area does not contain vulnerable plant, fish and wildlife species nor rare ecological communities. The policy therefore does not apply to the Proposed Action.

Policy 4.4: Maintain and protect living aquatic resources.

The Proposed Action would not involve construction in or immediately adjacent to the Bronx River, and would not result in significant adverse impacts on water quality or aquatic biota. A shadow analysis was conducted for shadows that would be cast by the project. Due to the short duration of the incremental shadows and a number of other factors, it was concluded that no significant shadow impacts would occur at this resource. Therefore, the Proposed Action would be consistent with this policy.

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

Policy 5.1: Manage direct or indirect discharges to water bodies.

See response to Policy 1.3 above. With the Proposed Action, there would be no significant adverse impacts from discharges to water bodies, and the Proposed Action would be consistent with this policy.

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

See response to Policy 1.3 above. The Proposed Action would generally result in less stormwater run-off than under no action conditions. The Proposed Action 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, or wetlands.

The Proposed Action would not involve the excavation or placing of fill in navigable waters or marshes, estuaries, tidal marshes, or wetlands. Therefore, this policy does not apply to the Proposed Action.

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

The Proposed Action area does not contain any potable groundwater (groundwater in this area of the Bronx is not used as a potable water supply), nor does it contain streams or sources of water for wetlands.

The construction and operation of the Proposed Action would not result in adverse changes to groundwater quality or significant adverse changes to flow pattern. Any hazardous materials encountered during construction activities would be handled and removed in accordance with CHASPs and RAPs prepared for the projected development parcels within the Proposed Action area. For applicant controlled properties, the mechanism to assure this would be a restrictive declaration placed on these parcels. For non-applicant properties, an "E" designation would be placed as part of the rezoning action. Implementation of these measures would minimize the potential for the Proposed Action to result in significant adverse impacts on groundwater quality. Therefore, the Proposed Action is consistent with this policy.

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

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

The far eastern portions of Blocks 3014N (Parcel 2A) and Blocks 3015S and 3015S of the Proposed Action area are located within the 500-year floodplain ("Zone X") of the Bronx River. The definition of "Area of Special Flood Hazard" in Appendix G of the Building Code (G201.2) indicates that only A and V zones are included and specifically excludes Zone X as a flood hazard.

For this reason, the policy does not apply to the Proposed Action.

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

The Proposed Action would not involve the use of public funding for such measures. Therefore, this policy does not apply to the Proposed Action.

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

There are no non-renewable sources of sand on the Proposed Action area or in the study area. Therefore, this policy does not apply to the Proposed Action.

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.

Although the Proposed Action would create new demand for the disposal of solid waste, municipal and private solid waste services would have adequate capacity to meet these increases in demand. Therefore, the Proposed Action would not result in any significant adverse impacts on solid waste and sanitation services.

See response to Policy 5.4 above. With implementation of the measures described there, no significant adverse impacts would result during or after construction as a result of the potential disturbance of any hazardous materials. Therefore, the Proposed Action is consistent with this policy.

Policy 7.2: Prevent and remediate discharge of petroleum products.

See response to Policy 5.4 and 7.1, above.

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.

See Policy 7.1, above.

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

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

The Proposed Action would not alter any existing physical, visual nor recreational access to the Bronx River. It would increase visual access by providing two mid block open areas which would afford views of the Bronx River and Starlight Park from upland areas. In addition, by replacing an underutilized and relatively desolate industrial area with a lively and vibrant residential community, the Proposed Action will better link the existing residential areas to the west and north to the new Starlight Park. The Proposed Action is consistent with this policy.

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

See response to Policy 8.1. In addition, the Proposed Action would provide physical access to West Farms Road from the mid block open areas. The Proposed Action is consistent with this policy.

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

See response to Policy 8.1.

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

See Policy 8.2 above.

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

The Proposed Action would not hinder current accessibility to the waterfront or interfere with the continued use or ownership of land and waters held by the public trust. In fact, by replacing an underutilized and relatively desolate industrial area with a lively and vibrant residential community, the Proposed Action will better link the existing residential areas to the west and north to the new Starlight Park. Thus, the public interest in the use of lands and waters held in the public trust would be encouraged and preserved. Therefore, the Proposed Action would be consistent with this policy.

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

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

See response to Policy 8.1 above. The Proposed Action would be consistent with this policy.

Policy 9.2: Protect scenic values associated with natural resources.

See response to Policy 8.1. Visual access to the Bronx River area would be improved. Therefore, the Proposed Action would 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.

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

As discussed in Chapter 2.F, "Historic and Cultural Resources," there are no known architectural resources in the study area. Therefore, this policy does not apply to the Proposed Action.

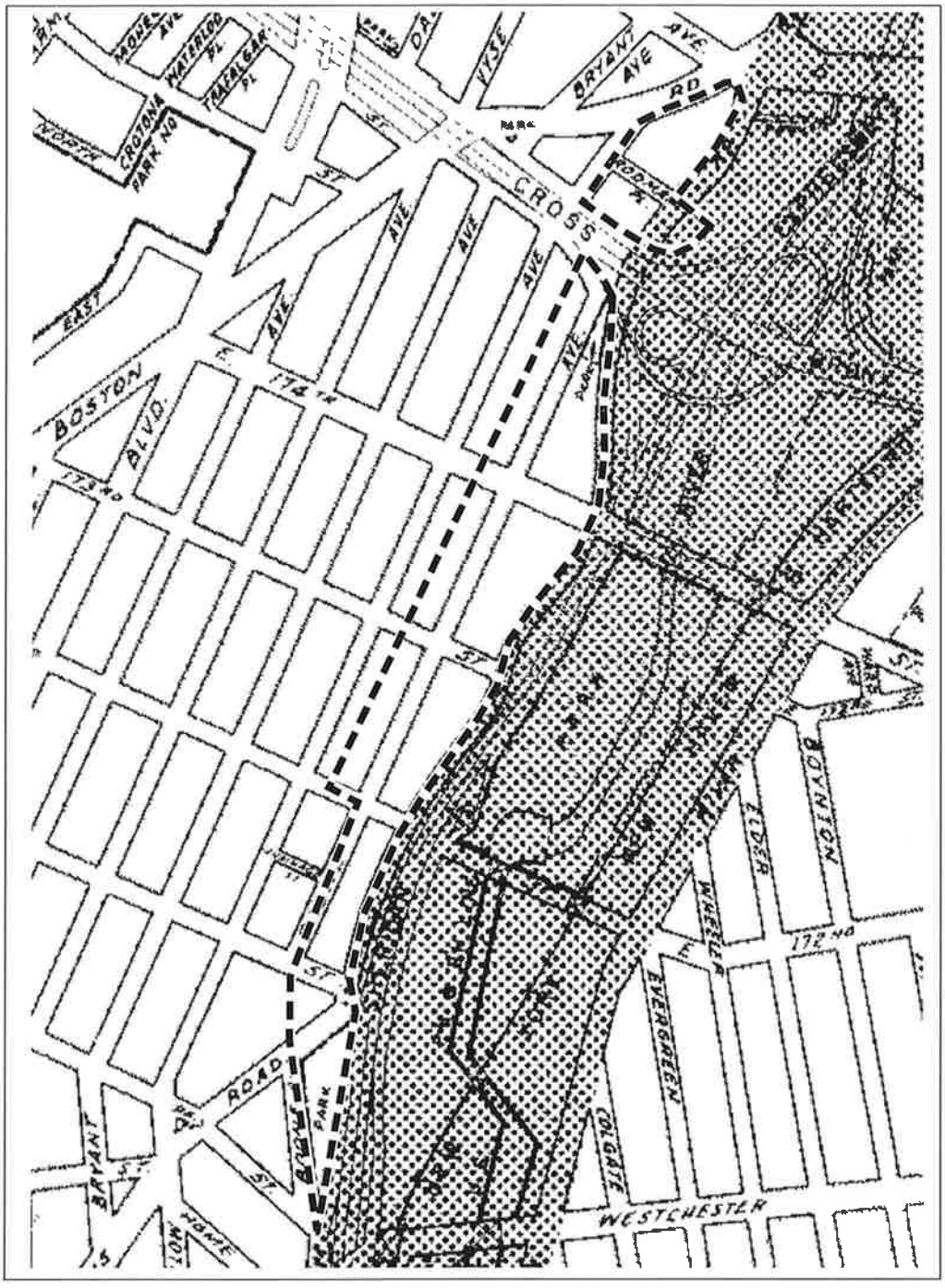
Policy 10.2: Protect and preserve archaeological resources and artifacts.

As discussed in Chapter 2.F, the Proposed Action would disturb potential subsurface prehistoric remains on 14 historic lots within the area to be rezoned. These potential resources include possible burials within previously existing cemeteries and residential shaft features. Ten of these parcels are on property controlled by the applicant. For these properties, a testing protocol has been developed and approved by the Landmarks Preservation Commission. To determine if archaeological resources are present, Phase 1B archaeological testing will be carried out in these archaeologically sensitive areas as required by the Restrictive Declaration that will be recorded in connection with the proposed zoning actions. Testing will be undertaken in consultation with LPC. If no resources of significance are encountered, no further archaeological study would be warranted. Should any resources of potential significance be found, further testing would be undertaken in consultation with LPC to identify the boundaries and significance of the find. If required, data recovery would be undertaken in consultation with LPC. With implementation of all of the above measures which will be incorporated into the Restrictive Declaration, there would be no significant adverse impacts on archaeological resources for these 10 historic lots.

The remaining four historic lots are not under control of the applicant, and any potential resources on these lots could be lost in the future as a result of the approval of the Proposed Action. These would be considered as unavoidable adverse impacts.

However, the large majority of the potential archaeological resources are on properties controlled by the applicant, and with the implementation of the Restrictive Declaration, these potential impacts will be avoided. Though some resources could be lost, with these measures in place, the Proposed Action would be generally consistent with this policy.

Figure K-1: Coastal Boundary of New York



Proposed Rezoning Area Boundary

Coastal Zone