Chapter 2: Land Use, Zoning, and Public Policy

A. INTRODUCTION

The proposed actions would result in the development of an approximately 214,000 square-foot (sf), 60-foot-tall commercial building currently anticipated to be a BJ's Wholesale Club, along with up to three other retail stores on the second level; a three-level parking garage with approximately 690 parking spaces; and approximately 2.4 acres of publicly accessible waterfront open space on the project site, which is located at 1752 Shore Parkway.

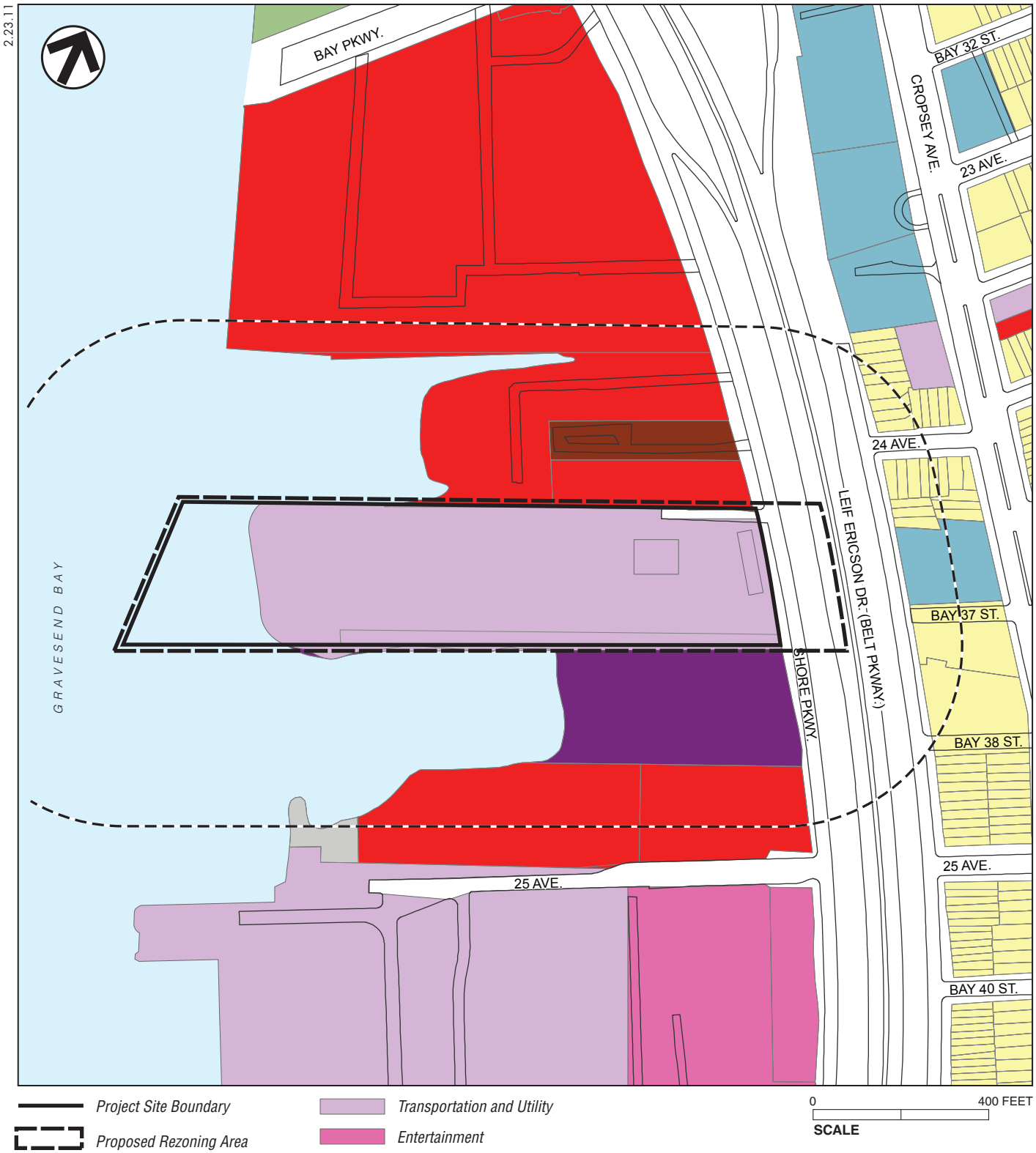
This section examines land use patterns, zoning, and public policy in the area that may be affected by the proposed actions. The analysis focuses on a study area extending 400 feet from the project site. The 400-foot study area is generally bounded by the Bay Parkway to the north, Cropsey Avenue to the east, 25th Avenue, and the Gravesend Bay to the west (see **Figure 2-1**).

PRINCIPAL CONCLUSIONS

The proposed project would replace the existing buildings and parking lot on the project site with a commercial retail building with a parking garage and publicly accessible waterfront open space. The proposed project would have no direct effect on land uses in the study area, and it would be compatible with the existing commercial retail uses of the surrounding area.

The proposed actions would represent a change in zoning on the project site from M3-1 heavy manufacturing to M1-1 light manufacturing. The zoning change would allow the proposed retail uses on the project site, which would be consistent with land use trends in the area, specifically being similar to the large commercial use to the northwest.

The proposed actions would be consistent with the goals set forth in the *Plan for the Brooklyn Waterfront*, which is part of New York City's Comprehensive Waterfront Plan and is designed to present a long-range vision for the City's waterfront, and would be compatible with the goals of the Shore Parkway Greenway Connector Master Plan. Furthermore, the project site is located within the Coastal Zone boundary of the New York City, and would be consistent with the policies outlined in the Waterfront Revitalization Program. The proposed actions would not displace any significant industrial or maritime uses on the project site. The proposed development's publicly accessible waterfront esplanade would provide physical, visual, and recreational access to the waterfront, and would be compatible with neighborhood, Borough, and City-wide goals for revitalizing and creating public access to the waterfront. Overall, the proposed actions would not have any significant adverse impacts on land use, zoning, and public policy.



BROOKLYN BAY CENTER

Land Use
Figure 2-1

B. EXISTING CONDITIONS

LAND USE

PROJECT SITE

The project site is bounded by Shore Parkway South to the east, Gravesend Bay (Lower New York Bay) to the west, and is located between the prolongation of 24th Avenue to the north, and the prolongation of Bay 37th Street to the south. The project site, which is currently occupied by a bus storage company, contains a two-story building along Shore Parkway South and a one-story storage building and bus parking lot in the rear of the lot. There are two vehicular entrances to the property, one at the northern end of the project site and a gated entrance along Shore Parkway South at the southern end of the project site.

STUDY AREA

The study area is located adjacent to the Bensonhurst neighborhood in southern Brooklyn. Bensonhurst is predominantly a residential area, and is generally bounded by Stillwell Avenue to the west, Kings Highway to the north, New Utrecht Avenue to the west and the Belt Parkway to the southwest. The housing stock in Bensonhurst is characterized by semi-detached and detached homes that are typically two to four stories. Attached rowhouses and larger apartment buildings are interspersed with these low-density residences. The most prominent feature within the study area is Leif Ericson Drive (also known as the Belt Parkway), a six-lane highway traversing Brooklyn's coastline. There are two distinct land use patterns on either side of the Belt Parkway in the study area—the area west of the Belt Parkway, where the project site is located, primarily contains commercial and retail uses, and the area east of the Belt Parkway is predominantly residential.

The study area, which contains a mix of uses, will be described in a clockwise direction. Directly to the north of the project site is a mixed-use commercial building housing a New York Sports Club fitness center, Samurai Sam teriyaki restaurant, and Rejuvenation, a medical spa. The Harbor Motor Inn is a two-story motel adjacent to, and to the northwest of, these uses. The Italy 21 furniture store and Stop & Stor Self Storage occupy the next frontage along Shore Parkway South to the northwest.

Caesar's Bay Shopping Center is at the northernmost point of the study area. Within the 400-foot study area are Modell's Sporting Goods, Best Buy, Kohl's and Strauss Discount Auto. Other tenants within Caesar's Bay Shopping Center, but just beyond the study area boundary, are Babies R Us, Toys R Us, and HSBC Bank.

The Belt Parkway, a six-lane, limited access highway is northeast of the Caesar's Bay Shopping Center. The Belt Parkway begins at the Gowanus Expressway in Bay Ridge and continues along the Brooklyn coastline and through Queens until it reaches the Cross Island Parkway and Whitestone Bridge. (An entrance ramp for the southbound Belt Parkway and an exit ramp in the northbound direction are just beyond the study area. The southbound entrance ramp is off Shore Parkway South, approximately 825 feet north of the project site, and the northbound exit ramp [Exit 5] is off Shore Parkway North and terminates at Bay Parkway.)

Three-story rowhouse residences line Shore Parkway North directly east of the Belt Parkway. These homes are predominantly attached with front yard parking. These rowhouses continue north of 24th Avenue until the 18-story Regina Pacis senior housing building, bounded by Shore

Parkway North, Bay 37th Street, and Cropsey Avenue. Six- and seven-story apartment buildings are located on the block south of Bay 37th Street, at the southeastern corner of the study area.

To the west of the Belt Parkway on Shore Parkway South, a Mercedes Benz dealership is located at the southwestern boundary of the study area. The dealership has one building with a showroom and service center, and surface parking. Bayside Fuel, an oil storage facility, is located directly south of the project site. The Bayside Fuel site has an earthen berm covering the portion of the property adjacent to the project site, a two-story storage and office building, and surface parking.

To the south of 25th Avenue, just outside the study area, is the Nellie Bly amusement park located on Shore Parkway South. On the waterfront, adjacent to the amusement park, is a City of New York Department of Sanitation (DSNY) facility which consists of a marine transfer station that has been inactive for several years and DSNY salt storage and garage facilities.

ZONING AND PUBLIC POLICY

PROJECT SITE

As shown in **Figure 2-2**, the project site is currently zoned M3-1. This is a manufacturing district designed to accommodate heavy industrial uses. The performance standards required for uses in these districts are the lowest of any district. Uses permitted as-of-right in this district include: chemical manufacturing, garbage incineration, petroleum refining, and sewage disposal, among others. The maximum floor area ratio (FAR) in this district is 2.0. No new residences or community facility uses are permitted in M3 districts.

The project site is on a waterfront block and when developed with commercial uses is subject to waterfront zoning regulations. Such regulations require that a minimum amount of land be set aside for public access and views to the waterfront. These regulations apply to most new residential and commercial development and govern bulk, yards, waterfront public access, and visual corridors.

Waterfront Revitalization Program

The project site is located in the Coastal Zone designated by New York State and City, and is therefore subject to the City's and State's Coastal Zone management policies (see **Figure 2-3**). The Federal Coastal Zone Management Act (CZMA) of 1972 was established to support and protect the distinctive character of the waterfront and to assist coastal states in establishing policies for managing their coastal zone areas. In accordance with the CZMA, in 1982 New York State adopted a Coastal Management Program (CMP) designed to balance economic development and preservation in the coastal zone by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, farmland, and public access to the shoreline, and minimizing adverse changes to ecological systems and erosion and flood hazards. The New York State CMP provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City. The New York City Waterfront Revitalization Program (WRP) is the City's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the State level, and the New York City Department of City

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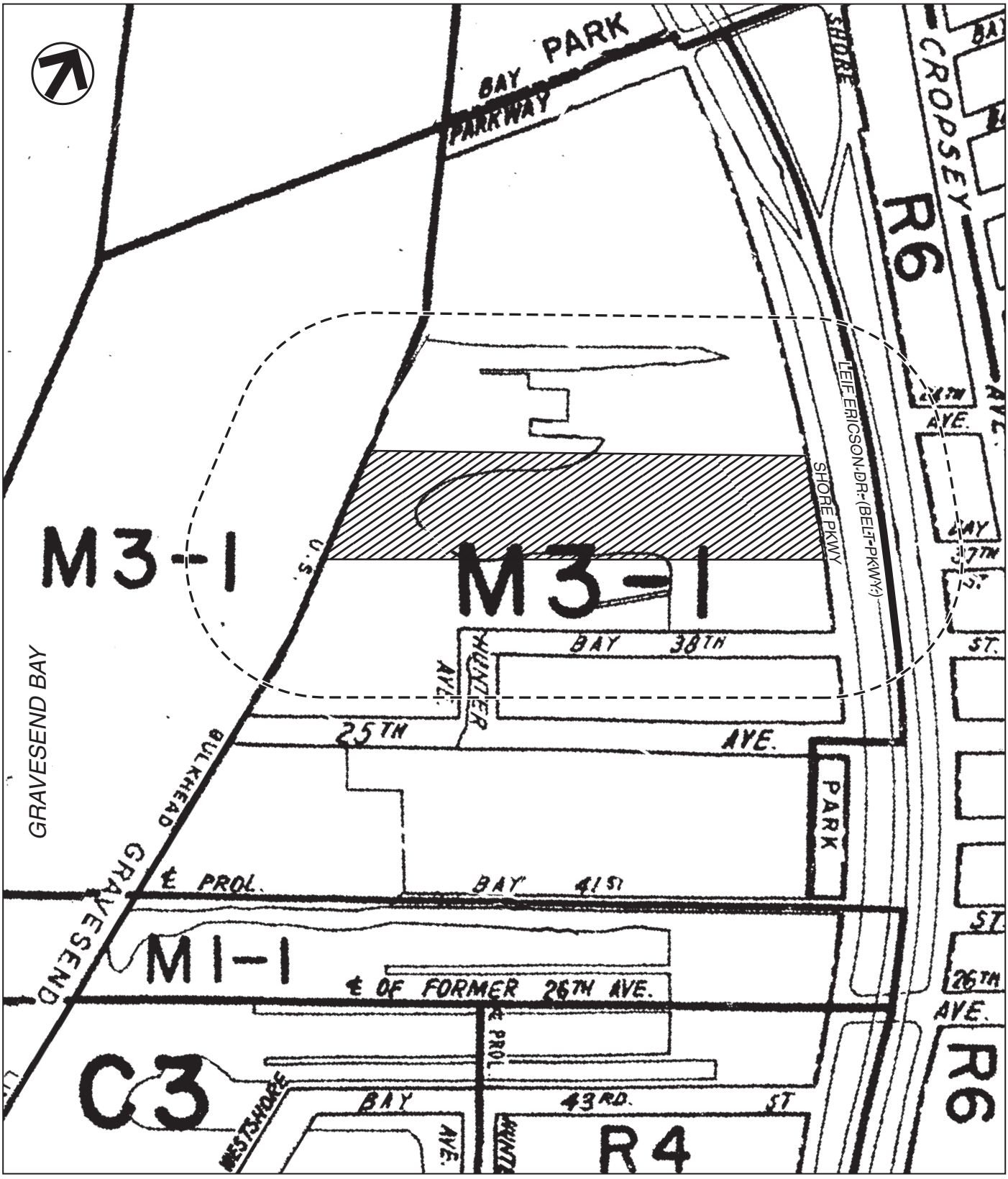


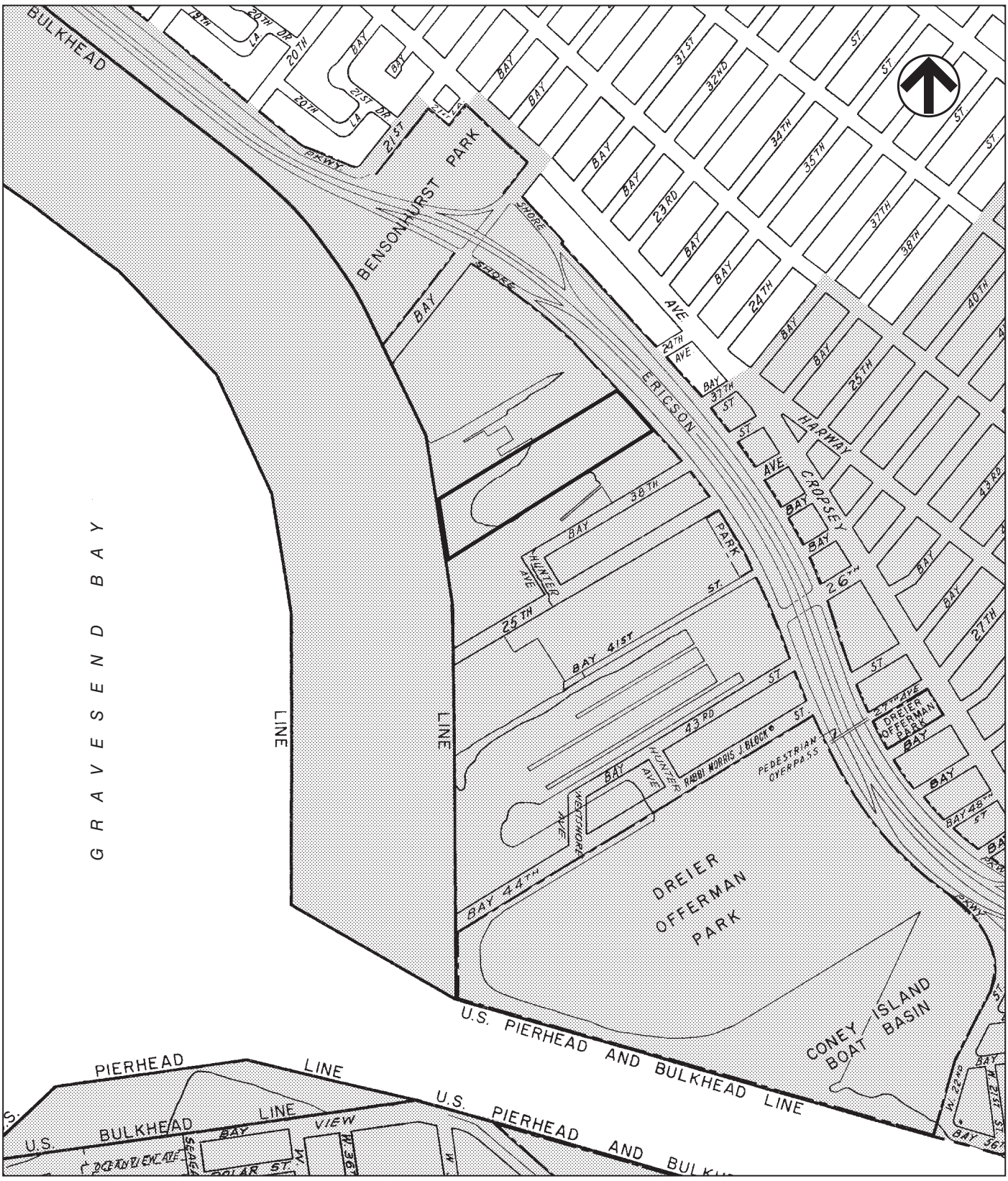
Project Site

Study Area Boundary (400-Foot Perimeter)

Zoning District Boundary

BROOKLYN BAY CENTER

Existing Zoning
Figure 2-2



Project Site Boundary

Coastal Zone

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SCALE

BROOKLYN BAY CENTER

Coastal Zone Boundary

Figure 2-3

Planning (NYCDCP) administers it in the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, NYSDOS and federal authorities (i.e., the U.S. Army Corps of Engineers [USACE] and the U.S. Fish and Wildlife Service [USFWS]) adopted the City's 10 WRP policies for most of the properties located within its boundaries.

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

- Support and facilitate residential and commercial redevelopment in appropriate coastal zone areas;
- Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation;
- Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers;
- Protect and restore the quality and function of ecological systems within the New York City coastal area;
- Protect and improve water quality in the New York City coastal area;
- Minimize loss of life, structures, and natural resources caused by flooding and erosion;
- Minimize environmental degradation from solid waste and hazardous substances;
- Provide public access to and along New York City's coastal waters;
- Protect scenic resources that contribute to the visual quality of New York City; and
- Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

As stated above, the project site is located within the coastal zone designated by New York City. Therefore, development on the project site is subject to New York City's coastal zone management policies, which are presented in the WRP. A completed Coastal Assessment Form is included as **Appendix A**.

STUDY AREA

The study area encompasses a M3-1 manufacturing zoning district, located west of the Belt Parkway, and an R6 residential zoning district, located east of the Belt Parkway. M3-1 zoning districts are described above. A number of the commercial uses located in the M3-1 district in the study area have been the subject of use variances from the Board of Standards and Appeals (BSA) to allow commercial uses not permitted as-of-right in M3-1 districts. Specifically, these include the large-scale retail uses, and fitness club, and hotel uses located north of the project site.

R6 zoning districts are medium-density residential districts that typically result in attached rowhouses on smaller zoning lots and "tower in the park" apartment buildings on larger zoning lots. R6 zoning districts permit up to 2.43 FAR for residential and 4.8 FAR for community facility uses. Parking is required for 70 percent of units.

Plan for the Brooklyn Waterfront

The *Plan for the Brooklyn Waterfront* was created in 1994 as part of the New York City Comprehensive Waterfront Plan. The goals of the Plan were to protect and enhance the natural waterfront, comprising beaches, wetlands, wildlife habitats, sensitive ecosystems, and the water itself; reestablish the public's connection to the public waterfront, including parks, esplanades,

piers, street ends, vistas, and waterways that offer public open spaces and waterfront views; facilitate water-dependent uses and accommodate the working waterfront through the provision of enough manufacturing-zoned land; and promote new uses on the redeveloping waterfront, where land uses have recently changed or where vacant and underutilized properties suggest potential for beneficial change. The Plan recommended that the area along Gravesend Bay between Bay Parkway and 26th Avenue—which includes the project site—retain its M3 and M1 zoning to allow the continued operation and limited development of commercial, water-dependent, municipal, and industrial uses.

Shore Parkway Greenway Connector Master Plan

In 2005, the New York City Department of City Planning released the Shore Parkway Greenway Connector Master Plan. The Shore Parkway Greenway consists of two segments of Class 1 greenways with off-street paths for bicyclists and pedestrians, connected by a five-mile stretch of Class 3, signed on-street bicycle route. The purpose of the master plan was to guide the implementation of new or improved bicycle facilities (including a Class 1 or 2 route) along this five-mile stretch of Class 3 route, which is where the project site is located. Completing this gap would connect one the City's premier waterfront greenways and provide a continuous 23-mile greenway for bicyclists, pedestrians, and other users.

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

Absent the proposed actions, it is assumed the project site would continue to be occupied by a bus storage company.

STUDY AREA

There are no other projects planned within the 400-foot study area by the 2013 Build Year. However, one project is planned just outside the study area to the south in the future without the proposed project. The DSNY proposes to replace the existing, inactive marine transfer station (MTS) located on the waterfront site south of 25th Avenue with the Southwest Brooklyn Converted MTS. This project is proposed as part of the City's Final Comprehensive Solid Waste Management Plan (SWMP), issued in September 2006, which outlines the City's plan for solid waste management through 2025. Once complete, the Southwest Brooklyn Converted MTS would receive and containerize DSNY-managed waste from Brooklyn Community Districts 11, 12, 13, and 15. The waste would be delivered to the site by truck and containerized waste would be sent by barge to disposal facilities located outside of the City. Although the Southwest Brooklyn Converted MTS was originally proposed for completion and operation in 2010, the completion date has been postponed due to legal and regulatory issues. Given the projected construction timeframe for this project, it is unlikely that the Southwest Brooklyn Converted MTS will be operational by the proposed project's 2013 Build Year.

ZONING AND PUBLIC POLICY

No changes to zoning or public policy on the project site or elsewhere in the 400-foot study area are anticipated in the future without the proposed project.

D. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

The proposed actions include a number of actions to allow for a retail development consisting of a Use Group 6 or 10 large retail use. This section assesses the potential impacts of these actions and the proposed development on land use, zoning, and public policy.

PROJECT SITE

The proposed actions would facilitate the replacement of the existing buildings and parking lots on the project site with an approximately 214,000-sf commercial retail building, a three-level public parking garage with 690 spaces, and waterfront open space and landscaping. It is currently planned that tenants of the proposed building would include a BJ's Wholesale Club and other retailers. Approximately 2.4 acres of public waterfront access area would be provided, which would include an approximately 56,150-sf shore public walkway, approximately 25,800 sf of other public access areas, and approximately 20,850 sf of upland connection. Existing buildings on the project site would be demolished as part of the proposed development.

STUDY AREA

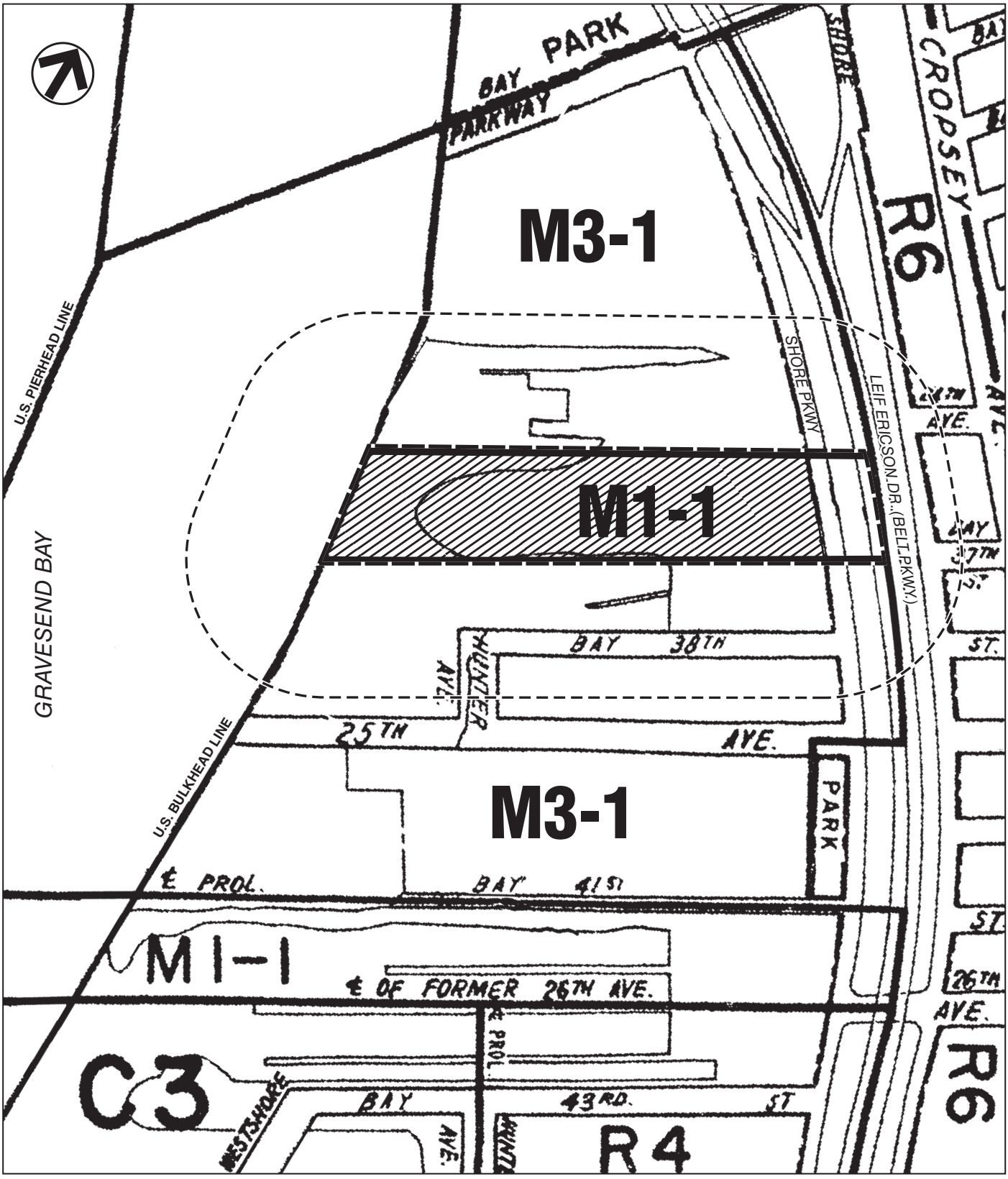
The proposed actions would have no direct effect on land uses in the study area, and would be compatible with the existing commercial retail uses of the surrounding area. The study area contains a number of commercial uses, as described above in "Existing Conditions." Therefore, the proposed actions would not introduce new land uses that would be incompatible with its surroundings, and would not result in significant adverse land use impacts.

ZONING AND PUBLIC POLICY

The proposed actions would include a change in the zoning map from M3-1 to M1-1 (see **Figure 2-4**), as well as several other actions, including:

- Zoning map amendment, changing the zoning from M3-1 to M1-1;
- Special permit pursuant to New York City Zoning Resolution § 74-922 to permit certain commercial establishments over 10,000 sf;
- Special permit pursuant to § 62-836 to permit height modifications on waterfront blocks;
- Special permit pursuant to § 74-744 to permit modification of signage requirements in General Large-Scale Developments;
- Special permit pursuant to ZR §74-512 to permit a public parking garage with rooftop parking outside a high-density central area;
- Chairperson certification pursuant to § 62-811 for public access to the waterfront and visual corridor; and
- CPC Authorization pursuant to ZR §62-822 for modification of waterfront public access area and visual corridor requirements.

The proposed actions would represent a change in zoning on the project site from M3-1 heavy manufacturing to M1-1 light manufacturing. As described above, light manufacturing districts impose strict performance standards on industrial uses. The zoning change would allow the



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SCALE

Project Site

Proposed M1-1 Zoning Area

Study Area Boundary (400-Foot Perimeter)

Zoning District Boundary

BROOKLYN BAY CENTER

Proposed Zoning
Figure 2-4

proposed uses on the project site, which would be consistent with land use trends in the area, specifically being similar to the large commercial use to the northwest.

Under existing zoning, a number of retail uses (Use Group 6) with no limitation on floor area per establishment are allowed as-of-right on the site. These uses include hardware stores, bookstores, toy stores, music stores, drug stores, and sporting good stores. However, certain retail establishments, such as department stores, variety stores, food stores, and dry goods/fabric stores, are limited to 10,000 sf per establishment at the site. The special permit will allow Use Groups 6 and 10 at a size greater than 10,000 sf to locate at the site. The proposed uses would be compatible with the uses permitted under the existing M3-1 zoning. Moreover, they would be consistent with the large-scale retail and other commercial uses that have been developed along the waterfront in the study area pursuant to BSA use variances. Therefore, the proposed actions would not result in any significant adverse impacts on zoning.

The proposed actions are also consistent with the goals set forth in the *Plan for the Brooklyn Waterfront*, which is part of New York City's Comprehensive Waterfront Plan and is designed to present a long-range vision for the City's waterfront. As mentioned above, the *Plan for the Brooklyn Waterfront* recommended that the project site and surrounding area along Gravesend Bay retain its M3 and M1 zoning to allow the continued operation and limited development of commercial, water-dependent, municipal, and industrial uses. The proposed actions would replace the M3 zoning of the project site with M1 zoning. Therefore, the zoning of the project site would remain consistent with the recommendations of the *Plan for the Brooklyn Waterfront*. Furthermore, the proposed zoning would allow the development of a commercial use with a new publicly accessible waterfront esplanade, which is consistent with the Plan's recommendations to allow for the limited development of commercial uses in the area and to reestablish the public's connection to the waterfront.

The City's Shore Parkway Greenway Connector Master Plan recommends a Class 1 or 2 bicycle route along Shore Parkway South or a greenway between Shore Parkway and the Belt Parkway. The proposed project would not preclude the City's future implementation of either new or improved bicycle facilities along Shore Parkway South or a greenway. Furthermore, the proposed project would introduce new waterfront access and open space, which would be compatible with the Plan's goals to expand waterfront recreational opportunities.

CONSISTENCY OF PROPOSED PROJECT WITH THE WRP POLICIES

The project site is located within the Coastal Zone boundary of the City's WRP. An assessment of the proposed actions' compliance with the local Coastal Zone policies is provided below.

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 project site is appropriate for commercial redevelopment. The project site is not located in either a Significant Maritime and Industrial Area or a Special Natural Waterfront Area, nor does it contain any unique or significant natural features. The proposed project would remediate an environmentally impaired and underutilized site for redevelopment with commercial stores that are compatible with similar retail uses in the surrounding area. In addition, waterfront open space, including an esplanade and public access areas, would be provided as part of the proposed project.

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

The project site is currently occupied by a bus storage company, and as such, is underutilized. The proposed actions would allow a new commercial use and 2.4 acres of publicly accessible waterfront open space, which would feature a waterfront esplanade lined with benches and seating areas that would extend along the perimeter of the western half of the site. The esplanade would be surrounded by a large stone riprap edge as a buffer between the path and Gravesend Bay.

Through open space enhancement, described above, and the addition of pedestrian amenities, this open space would attract public use and enliven the waterfront, providing a benefit to the surrounding neighborhood.

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

The project site is located directly on Shore Parkway South and is highly accessible to major roadways, including Leif Ericson Drive (also known as the Belt Parkway) and the Brooklyn-Queens Expressway. The density of the proposed development would be consistent with similar uses nearby, which rely on these roadways. With respect to stormwater infrastructure, the proposed actions would include stormwater collection, conveyance, treatment, and disposal. The proposed project would include the construction of two new 36-inch storm outfalls and a network of catch basins, roof leaders, and storm sewers to discharge stormwater runoff from the proposed development into Gravesend Bay in conformance with New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit regulations. Therefore, the proposed actions are consistent with this policy.

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

Policy 4.2: Protect and restore tidal and freshwater wetlands.

There are no freshwater wetlands at the project site, but Gravesend Bay is shown by the NYSDEC Tidal Wetland Map #584-495 as a Littoral Zone. As part of the proposed actions, the shoreline would be restored by removing historic fill and installing a 1,400-linear-foot riprap protected slope along the waterfront. The proposed development would not include filling below the mean high water line, and no adverse impacts on water quality are expected as a result of constructing the proposed development. According to written correspondence from the NYSDEC dated July 29 2009 (see Appendix C, "Agency Correspondence"), the review of the Joint Permit Application (including Article 25 Tidal Wetlands permit) has been completed and the agency has no further technical comments. Therefore, the proposed project is consistent with this policy.

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

Policy 5.1: Manage direct or indirect discharges to waterbodies.

The proposed project would manage both direct and indirect discharges into Gravesend Bay (Lower New York Harbor). The proposed development includes the construction of two new 36-inch outfalls to discharge stormwater runoff from the proposed building and parking garage into Gravesend Bay. Prior to discharge, the stormwater would be subject to a

stormwater quality treatment device in accordance with NYSDEC requirements and subject to a SPDES permit.

The proposed project would decrease impervious surfaces by 17.3 percent within the adjacent wetland area and result in a reduction of stormwater discharged into Gravesend Bay. Stormwater discharges during and after construction will be treated in accordance with SPDES General Permit 0-08-001. The esplanade would consist of pervious materials to reduce the impervious coverage on the project site. In addition, approximately 25,000 square feet (sf) of grasses, landscaping, and other pervious surfaces would be provided, increasing on-site stormwater retention. Therefore, the proposed actions are consistent with this policy.

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

The proposed development would restore the shoreline within the project site by removing historic fill and by installing an approximately 1,400-linear-foot riprap protected slope along the site's waterfront. This new riprap slope would stabilize the coastline and prevent debris from entering the water. As mentioned above, these stabilization efforts would not occur below the mean high water line; therefore, no fill of the navigable waters is expected to occur. Construction and operation of the stabilized rip-rap slope would be undertaken using silt booms, hay bales, silt fence, and other erosion control measures.

Because the proposed activity would be in accordance with NYSDEC requirements and the Best Management Practices (BMPs) described above, the proposed project would be consistent with this policy.

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

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

The project site is located within a federally designated flood hazard area, the 100-year floodplain (Zone AE). The Zone AE flood elevation is 7.44 on the Brooklyn Borough Datum (BBD). The proposed shore public walkway would be constructed at approximately 13.0 BBD, and would therefore be above the 100-year flood elevation. The proposed development would comply with the New York City Building Code and Federal Emergency Management Agency (FEMA) requirements regarding the lowest building floor elevation. The site would be graded to bring the proposed buildings above the flood elevation, and the buildings would be sited at 13.0 BBD. Therefore, the proposed project is consistent with this policy.

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 development would not result in the introduction of any new hazardous substances to the project site. The project sponsor has obtained approval from NYSDEC of a Solid Waste Mitigation and Soil Management Plan. The proposed actions would include the following measures to manage hazardous materials: register and remove (or close-in-place) any known or unexpectedly encountered USTs and ASTs along with any associated

contaminated soil; implement a Construction Health and Safety Plan; and include a vapor barrier within the proposed building with an interior monitoring system for methane and hydrogen sulfide, among other measures. Thus, the proposed project is consistent with this policy.

Policy 7.2: Prevent and remediate discharge of petroleum products.

The proposed project would not result in the introduction of any petroleum-related facility on the project site, or result in any impacts with respect to petroleum-containing materials. Rather, the proposed project includes the removal of existing solid waste known to be on-site and additional remediation efforts (see Policy 7.1, above). Adjacent and nearby properties, including Bayside Fuel Oil Depot located immediately to the south of the project site, has documented petroleum releases, and the NYSDEC is requiring Bayside Fuel to identify and control or eliminate the source of petroleum that is impacting the project site. Therefore, the proposed project is consistent with this policy.

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

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

The project site would not adversely impact any lands held in public trust by the State or City. As discussed above, the proposed development would introduce 2.4 acres sf of publicly accessible waterfront open space. In addition, various pedestrian amenities would be provided—attracting the public to the waterfront for its use and enjoyment. Therefore, the proposed actions are consistent with this policy.

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

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

The proposed development would enhance the visual quality of the urban context by providing landscaping at the project site's perimeter, incorporating an approximately 7,000-sf green screen on the proposed building, opening up views from and through the project site to the waterfront, and substantially improving the condition of the waterfront edge. In addition, the introduction of the publicly accessible waterfront open space would introduce new views of the City's waterfront. Thus, the proposed project is consistent with this policy.

Conclusions

The project would provide publicly accessible waterfront open space, and would result in the rezoning of the site for commercial use, which would be consistent with the recommendations outlined in the *Plan for the Brooklyn Waterfront*. Based on the policies of the WRP, the project would not result in any significant adverse impacts on the City's WRP. Therefore, the project would not have an adverse impact on public policy. ✷