APPENDIX B

WRP CONSISTENCY ASSESSMENT FORM

For Internal Use Only:
Date Received: _____

WRP no. _____
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: Davidoff Hutcher & Citron LLP
2. Address: 605 Third Avenue, 34th Floor
3. Telephone: 212 557 7200 Fax: 212 286 1884 E-mail: _____
4. Project site owner: 2030 Astoria Developers, LLC

B. PROPOSED ACTIVITY

1. Brief description of activity:

   This application would facilitate the redevelopment of underutilized, partially vacant waterfront and upland property in Astoria, Queens with a mixed-use, primarily residential development. The project increment would include approximately 1,689 dwelling units (DUs), of which approximately 295 would be affordable housing DUs, approximately 109,470 gsf of local retail space, approximately 62,248 gsf of community facility space housing a 456-seat public school, approximately 83,846 sf (1.92 acres) of public open space, and approximately 900 accessory parking spaces.

2. Purpose of activity:

   The Proposed Action would provide opportunities for new residential and commercial development, as well as enhancement and upgrade of the waterfront area to provide waterfront access. In addition, the proposed action would enable the City to advance the Comprehensive Waterfront Plan, by facilitating the redevelopment of the area's inaccessible waterfront, and completing the street grid in this area.

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

   Block 906, Lots 1 & 5
   Block 907, Lots 1 & 8
   Block 908, Lot 12
   Block 909, Lot 35

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:

   USACE, NYSDEC, and SPDES approvals for proposed new stormwater outfalls and stormwater discharges during construction.

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

   Possible housing financing through NYC HPD or NYC HDC, which could include federal or state funding sources.

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

   NYC Department of City Planning

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

   1. Zoning map amendment; 2. Zoning text amendment; 3. Large-Scale General Development Special Permit; 4. Waterfront Special Permits; 5. Waterfront Authorizations and Certifications; and 6. City Map amendments

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: Davidoff Hutcher & Citron LLP

Address: 605 Third Avenue, 34th Floor

New York, NY 10158 Telephone 212 557 7200

Applicant/Agent Signature: Howard K. Weiss Date: 3/12/14

A. INTRODUCTION

As indicated in Figure 2-2 in Chapter 2, "Land Use, Zoning, and Public Policy," the project site is located within the New York City Coastal Zone and as such is subject to review for its consistency with the City's Waterfront Revitalization Program

The Federal Coastal Zone Management Act (CZMA) of 1972, established to support and protect the nation's coastal areas and to set forth standard policies for the review of proposed development projects along coastlines. In accordance with the CZMA, New York State had adopted a state Coastal Management Program (CMP), which provides for local implementation when a municipality adopts a local waterfront revitalization program. The New York State CMP is designed to achieve a balance between economic development and preservation that will promote waterfront revitalization and waterfront dependent uses; protect fish, wildlife, open space, scenic areas, public access to the shoreline, and farmland. The program is also designed to minimize adverse changes to the ecological systems, erosion, and flood hazards.

The New York City Waterfront Revitalization Program (WRP) is the City's principal coastal zone management tool, and is included as part of New York State's Coastal Zone Management Program. It establishes the City's Coastal Zone, and includes policies that address the waterfront's economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. 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. In August 2002, the New York State Department of State (NYSDOS) and federal authorities (i.e., the U.S. Army Corps of Engineers [USACE] and the U.S. Fish and Wildlife Services [USFWS]) adopted the City's ten WRP policies for most of the properties located within its boundaries.

In October 2013, the City Council approved revisions to the WRP in order to proactively advance the long-term goals laid out in Vision 2020: The New York City Comprehensive Waterfront Plan, released in 2011. The changes will solidify New York City's leadership in the area of sustainability and climate resilience planning as one of the first major cities in the U.S. to incorporate climate change considerations into its Coastal Zone Management Program. They will also promote a range of ecological objectives and strategies, facilitate interagency review of permitting to preserve and enhance maritime infrastructure, and support a thriving, sustainable working waterfront. The revisions to the WRP are currently pending State and Federal approval in order to go in to effect.

The ten WRP policies deal with: (1) residential and commercial redevelopment; (2) maritime and industrial uses; (3) use of the waterways; (4) ecological resources; (5) water quality; (6) flooding and erosion; (7) hazardous materials; (8) public access; (9) scenic resources; and (10) historical and cultural resources.

In accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the Proposed Action's potential for inconsistency with the new WRP policies was undertaken. This preliminary evaluation requires completion of the Consistency Assessment Form (CAF), which was developed by the New York City Department of City Planning (DCP) to help applicants identify which WRP policies apply to a specific action. The questions in the CAF are designed to screen out those policies that would have no bearing on a consistency determination for a proposed action. For any questions that warrant a "yes" answer or for which an answer is ambiguous, an explanation should be prepared to assess the consistency of the proposed action with the noted policy or policies. The CAF was prepared for the Proposed Action, and is provided at the end of this appendix.

As indicated by DCP, the 2013 revisions to the WRP will most likely be adopted by the time the DEIS is completed and as such, the updated policies are reflected in this analysis. Per the recently revised WRP, the following policies warranted further assessment: 1; 1.1; 1.2; 4.5; 5.1; 5.2; 6; 7.2; 8; 9.1; and 10.2. Therefore, these policies are addressed below.

B. CONSISTENCY WITH APPLICABLE LOCAL WRP POLICIES

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

The Proposed Action would create opportunities for new housing and commercial development on underutilized and vacant land formerly used for manufacturing, particularly along the waterfront, where there is no longer a concentration of industrial activity and where strong demand for housing exists. The section of the coastal zone falling within the Proposed Action area does not contain any natural or topographic features that would hinder redevelopment, and the street grid provides excellent access to the upland areas. The proposed project would also establish a publicly accessible waterfront esplanade with upland connections. The proposed open space would provide benefits for the Astoria community, the Borough of Queens, and the City as a whole. Therefore, this area is appropriate for the residential and commercial redevelopment that would be facilitated by the Proposed Action. As the Proposed Action would encourage and facilitate residential and commercial redevelopment in an area currently characterized by underutilized waterfront properties, it is therefore consistent with this policy.

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

See response to Policy 1, above.

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

See response to Policy 1, above.

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

4.5 Protect and restore tidal and freshwater wetlands.

The proposed project would not result in adverse impacts to New York State Department of Environmental Conservation (NYSDEC) tidal wetlands. Construction activities for the proposed project that would occur within areas regulated as NYSDEC tidal wetlands adjacent areas (defined as landward areas between the mean high water [MHW] line and the beginning of manmade structures or asphalt surfaces) include the construction of portions of the waterfront esplanade. The proposed esplanade would not extend over the MHW or spring high water (SHW) elevation and would not require in any construction activity within NYSDEC littoral zone tidal wetlands.

Operation of the proposed project would not result in significant adverse impacts to NYSDEC tidal wetlands adjacent areas. Therefore, the proposed project would be consistent with this policy.

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

5.1 Manage direct or indirect discharges to waterbodies.

The proposed project would improve the management and treatment of stormwater entering the East River from the project site. Stormwater management measures implemented within the waterfront sites would improve the quality of stormwater discharged to the East River, reducing potential impacts to aquatic resources due to the discharge of runoff from this site, which is currently discharged untreated. The proposed project would result in a net increase in pervious surface coverage in the project site, thereby reducing runoff and potentially improving water quality along the shoreline. In addition, the proposed project would involve construction of two new stormwater outfalls, as well as new storm and sanitary sewers on portions of the project site and adjacent streets. The new stormwater outfalls would convey runoff from the project site to the East River following treatment for quality. Treatment methods would be designed to meet NYSDEC requirements for water quality (e.g., removal of at least 80 percent of total suspended solids). Therefore, the proposed project would be consistent with this 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 include the replacement of concrete debris riprap in some areas with shot rock riprap. This would not result in a net increase in fill below MHW and SHW or a change in the shoreline configuration that would result in loss of NYSDEC littoral zone tidal wetlands or aquatic habitat. The proposed new stormwater outfalls would be constructed above SHW. The riprap replacement in-kind and outfall construction would not adversely affect water quality of the East River. Earth disturbing activities adjacent to the East River would comply with NYSDEC's technical standard for erosion and sediment control, presented in "New York Standards and Specifications for Erosion and Sediment Control." Implementation of erosion and

sediment control measures would minimize potential impacts on the East River associated with discharge of stormwater runoff during land-disturbing activities resulting from construction of the proposed project. Therefore, the proposed project would be consistent with this policy.

POLICY 6: Minimize loss of life, structures and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

The project site is located within two flood zones of the East River. A small, northwestern portion of the project site is located within the currently applicable Zone AE12 and Zone Shaded X (see Figures 2-7 and 2-8 in Chapter 2, "Land Use, Zoning, and Public Policy"). Site 1 is the only site that contains a building that would be located within the currently applicable flood zones. In addition, a small portion of the waterfront area in the vicinity of Sites 2 and 3 is located within the currently applicable Zone AE14 (see Figure 2-7 in Chapter 2, "Land Use, Zoning, and Public Policy"). The remainder of the project site is not within a flood zone.

The East River is a tidal strait connecting Long Island Sound to New York Bay, and the flood elevation is controlled by the tidal conditions within the New York Bay, Long Island Sound, and the Atlantic Ocean. Because the floodplain within and adjacent to the project site is affected by coastal flooding, rather than local or fluvial flooding, the construction and operation of the proposed project would not exacerbate flooding conditions on or near the project site. Coastal floodplains are influenced by astronomic tide and meteorological forces (e.g., northeasters and hurricanes) and not by fluvial flooding (e.g., rivers and streams overflowing their banks), and as such are not affected by the placement of obstructions (e.g., buildings) within the floodplain.

The design and construction of the portions of the buildings within the flood zone areas would comply with New York City Building Code requirements for construction within the 100-year and 500-year floodplains for the applicable building category. The finished floor elevations for all residential and retail uses and the mechanical/electrical/plumbing spaces proposed for Building 1 would be about 3 feet above the currently applicable Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Maps (FIRMs) 100-year flood elevation. The slab of the below-grade parking level for Building 1 would be below the currently applicable 100-year flood elevations, and the basement structures would be designed in accordance with Appendix G of the New York City Building Code. Therefore, the proposed project would minimize the potential for public and private losses due to flood damage and reduce the exposure of public utilities to flood hazards.

The waterfront public access area (WPAA) design provides a planted rip rap buffer all along the waterfront and features a plant palette that is suitable for inundation with brackish waters. There would be no mechanical or electrical equipment within the WPAA other than electrical wiring for the lights and pumps for the playground splash pads.

The NPCC additionally recommends assessing the impacts of projected sea level rise on the lifespan of projects. While the NPCC developed a series of maps incorporating projections for sea level rise with FEMA's 2013 Preliminary Work Maps, because of limitations in the accuracy of flood projections, the NPCC recommends that these maps not be used to judge site-specific risks. However, in general, the NPCC estimates that in the New York City area, sea level will

rise up to a high estimate of 11 inches by the 2020s, and up to a high estimate of 31 inches by the 2050s. As such, areas not currently within the currently applicable 100-year and 500-year flood zones will be in the future, based on the NPCC projections. Furthermore, the NPCC projects that the frequency, extent, and height of 100-year and 500-year floods will increase by the 2050s.

Based on future 100-year and 500-year flood zone projections for the 2020s and 2050s, Buildings 4 and 5 on the upland parcel fall outside of the 100-year and 500-year future floodplain projections. A small northeastern portion of Building 3 falls within the projected 2020s and 2050s 100-year floodplain, and a small southwestern portion of Building 2 falls within the 2020s 100-year floodplain; all waterfront building sites are located within the 2020s and 2050s 500-year floodplain (see Figure 2-9 in Chapter 2, "Land Use, Zoning, and Public Policy"). However, the NPCC recommends that these maps not be used to judge site-specific risks and they are subject to change. As previously stated, coastal floodplains are influenced by astronomic tide and meteorological forces and not by fluvial flooding, and as such are not affected by the placement of obstructions within the floodplain. Therefore, the construction and operation of the proposed project would not exacerbate future projected flooding conditions.

As indicated in Figure 2-9 in Chapter 2, "Land Use, Zoning, and Public Policy," NPCC projections indicate that the majority of Site 1 would fall within the 100-year floodplain by 2050. Should the base flood elevation rise to these projected elevations in the future, the Applicant anticipates retrofitting the perimeter of the building with flood prevention systems (either temporary or permanently installed flood gates/shutters), potentially in conjunction with an emergency flood protection plan. In addition, as a small portion of Building 1 already falls within the 100-year flood zone, provisions to address potential flood risks have been developed in the building design, as previously described.

The waterfront buildings would be developed in the second, third, and fourth phases of the project's construction and therefore would meet the standards of the New York City Building Code and the Best Available Flood Hazard Data available from FEMA at the time of their construction. In the event that Buildings 2 and 3 fall within the future applicable 100-year floodplain, all mechanical space would be elevated above this elevation, most likely to the second floor (Queens Datum elevation 26 feet), and all ground floor uses within the building would need to be protected from flooding conditions per New York City Building Code requirements. As the potential future floodplain elevations may only be slightly above the currently anticipated ground floor elevations for the waterfront buildings, the ground floor elevations could simply be raise to be out of the applicable floodplain, as zoning permits the proposed buildings' Base Plane to be set at the 100-year flood elevation. If this approach was taken, stairs and accessible ramps would then be used to transition between the street/sidewalk and other interior spaces.

Site 1 would be designed in accordance with Appendix G of the New York City Building Code. All waterfront buildings would be constructed to meet the standards of the New York City Building Code and the Best Available Flood Hazard Data available from FEMA at the time of their construction. Therefore, the proposed project would minimize the potential for public and private losses due to flood damage, reduce the exposure of public utilities to flood hazards, and prepare for and address future risks, and would be consistent with this policy.

POLICY 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environmental and public health and safety.

7.2 Prevent and remediate discharge of petroleum products.

To reduce the potential for human or environmental exposure to known or unexpectedly encountered contamination during and following construction of the proposed project, a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) would be prepared for implementation during proposed construction and submitted to DEP for review and approval. If petroleum storage tanks are encountered during project site redevelopment, these tanks would be properly closed and removed, along with any contaminated soil in accordance with the applicable regulations, including NYSDEC spill reporting and registration requirements. Therefore, the proposed project would be consistent with this policy.

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

The proposed project includes the provision of a publicly accessible waterfront open space and esplanade and upland connections to 4th and 8th Streets. The waterfront esplanade would run the length of the site's waterfront, connecting 4th Street to 9th Street. The waterfront esplanade would include landscaping and seating along the waterfront. The upland connections are intended to provide view corridors and public access from 4th and 8th Streets to the esplanade and East River. As each site along the waterfront is built out, the associated public open space required under the Zoning Resolution would be completed at the same time as the buildings. Upon completion, the proposed project would create approximately 1.92 acres of publicly accessible waterfront open space. Furthermore, the waterfront open space's design would anticipate the effects of climate change: the planted rip rap buffer would feature a plant palette suitable for inundation with brackish waters, and minimal mechanical or electrical equipment (limited to the lights and pumps for the playground splash pads) would be located in the waterfront open space area. Therefore, the proposed project would 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.

The proposed project includes the provision of a publicly accessible waterfront open space and esplanade and upland connections to 4th and 8th streets, which are intended to provide view corridors and public access from 4th and 8th Streets to the esplanade and East River. Significant adverse effects to visual resources would not occur as a result of the proposed project, and in some cases the project would be beneficial to visual resources as it would replace vacant and underutilized industrial uses along the waterfront with an enlivened, mixed-use development. Therefore, the proposed project would be consistent with this policy.

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

10.2 Protect and preserve archaeological resources and artifacts.

As discussed in detail in Chapter 7, "Historic Resources," The Proposed Action would result in ground disturbance on three lots with potentially sensitive archaeological resources: Block 906, Lot 1; Block 908, Lot 12; and Block 909, Lot 35. A Phase IA archaeological documentation study (Phase IA) was conducted and concluded that there is potential for archaeological resources on the lots that the New York City Landmark Preservation Commission (LPC) had flagged. The Phase IA concluded that two areas of potential prehistoric sensitivity exist on Block 906, Lot 1, and on the hill on the southern portion of Block 908, Lot 12 and Block 909, Lot 35. The Phase IA further concluded that it is likely that 19th century remains are preserved on Block 906, Lot 1 and Block 908, Lot 12. LPC has concurred with these findings and recommends archaeological testing to further assess the potential for these archaeological remains. A testing protocol to recover these resources on these lots has been developed, reviewed and approved by LPC. The Applicant has agreed to record a Restrictive Declaration which would ensure that this protocol is followed before and/or during development of these properties. Significant adverse impacts to the archaeological resources on these parcels will therefore be avoided as part of the project and the proposed project would be consistent with this policy.