# 20.0 Waterfront Revitalization Program

## A. INTRODUCTION

The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. §§1451-1464) was enacted by Congress to balance the competing demands of growth and development with the need to protect coastal resources. This balance is primarily achieved through coastal zone management programs adopted by the states and designed to regulate land use activities that could affect coastal waters. The act offered incentives to encourage the coastal states and territories to exercise their full authority over coastal areas through development of coastal management programs, consistent with the minimum federal standards. The Coastal Zone Management Act Reauthorization Amendments of 1990 strengthened the act by requiring state programs to focus on controlling land use activities and the cumulative effect of activities in coastal zones.

New York State has a federally approved management program (Executive Law §§910-921) administered through the Department of State. Pursuant to the federal CZMA, New York has defined coastal zone boundaries and policies to be utilized to evaluate projects occurring within the designated zones. In 1981, New York State adopted the Waterfront Revitalization and Coastal Resources Act, creating the New York State Coastal Management Program (CMP). The CMP has been incorporated into the local New York City Waterfront Revitalization Program (WRP) as approved by New York State in 1982 and revised in 1999. The revised New York City WRP, which consists of 10 coastal policies, was accepted by the Federal Department of Commerce in September 2002 and now comprises the operable coastal zone management policies in New York City. The WRP set general goals for the City's entire waterfront, and specific goals for portions of the waterfront that have notable characteristics. Specific goals were not set for the Project Site or the northern Hunters Point area.

Terra Cotta, LLC has obtained the necessary permits to replace a deteriorating bulkhead along the northern portion of the Project Site. NYPA has applied for permits to reconstruct the bulkhead along the southern portion of the Project Site. Reconstruction of the northern and southern portions of the bulkhead would be completed as separate and independent actions from the Proposed Action and consequently, are considered to be part of Future Conditions without the Proposed Action. However, to account for the possibility that NYPA might fail to obtain the necessary permits for or undertake the reconstruction of the bulkhead along the southern portion of the Project Site, provided in this chapter is an assessment of the consistency of this reconstruction with the policies of the WRP. An assessment of the potential impact of the reconstruction of this portion of the bulkhead on natural resources is provided in Chapter 18, "Natural Resources."

The results of this assessment indicate that the Proposed Action and the reconstruction of the bulkhead would be consistent with all policies of the WRP.

## B. CONSISTENCY REVIEW

The Proposed Action is reviewed in terms of the 10 WRP policies, each presented below and followed by a discussion of the policy's applicability to the Proposed Action and the Proposed Action's consistency with the policy. The WRP assessment considers the Project Site, which lies in the coastal zone, and the areas surrounding the Project Site that are also located within the coastal zone. The limits of the coastal zone are identified on Section 9 of the Coastal Zone Boundary of New York map. It includes the area between the East River pier head line and the east side of Vernon Boulevard, as well as property further inland along Queens Plaza North and South to the east side of 21st Street (Figure 20-1). The Project Site is not located within a Special Natural Waterfront Area or Significant Maritime and Industrial Area, as designated by NYCDCP.

## C. THE POLICIES

### Policy 1: Support and Facilitate Commercial and Residential Redevelopment in Areas Well-Suited to Such Development

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

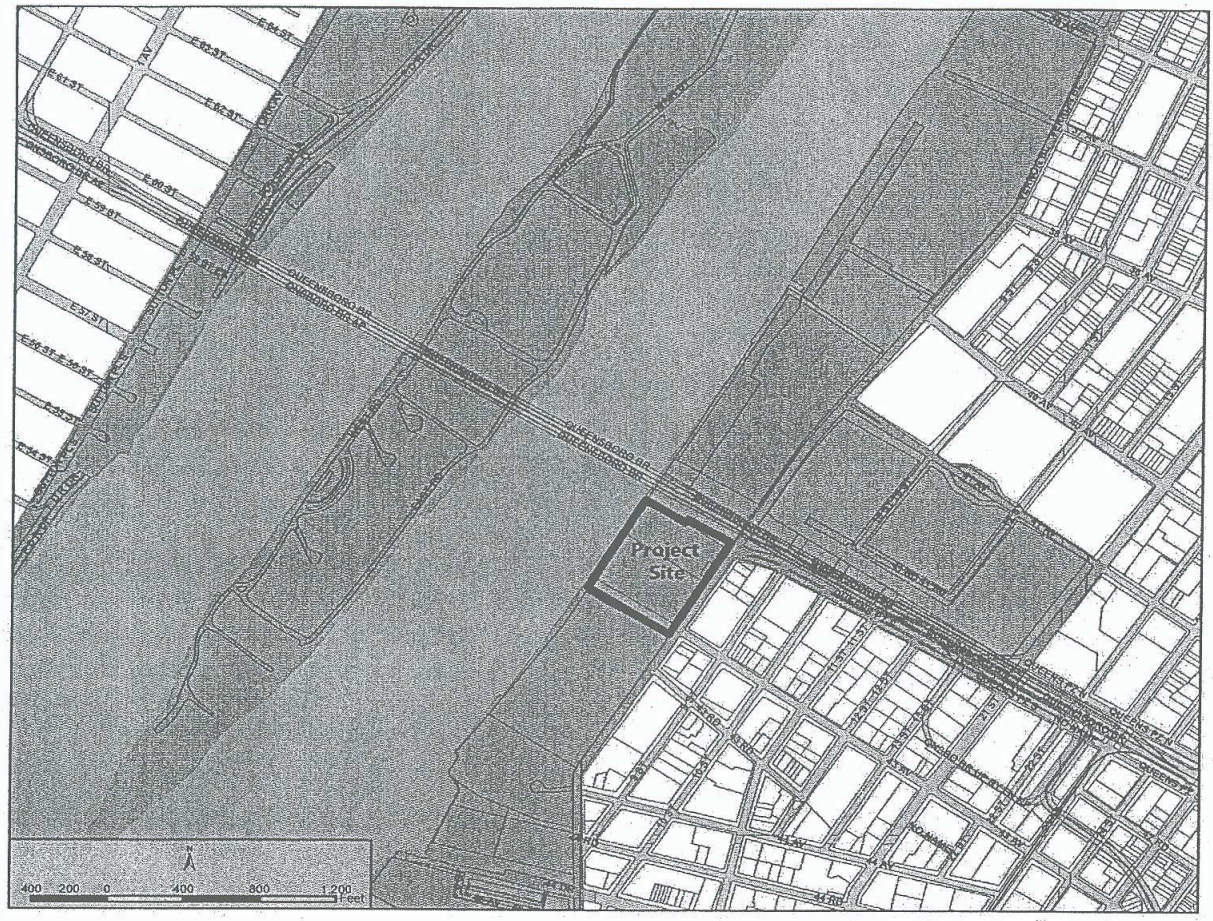
The Proposed Action would rezone and develop the Project Site, transforming a long-vacant site zoned for manufacturing into a mixed-use development with space for residential, office, commercial, and television and film production studios uses. Because it would encourage commercial and residential development, and would not eliminate any existing waterfront-related activities, the Proposed Action would be consistent with Policy 1.1.

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

The Proposed Action would include creation of publicly-accessible open space and a new waterfront esplanade available to residents, employees, visitors, and the community. The Proposed Action would also include redevelopment of the Project Site with land uses that would enliven the open space, including residential and office uses. By offering public access to the waterfront and encouraging non-industrial development on the Project Site, the Proposed Action would be consistent with Policy 1.2.

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

The Project Site has the advantage of being located in an urban area with access to existing mass transit, highways, water and sewer lines, and health, educational, and social services. Four subway stations are located within walking distance of the Project Site; vehicular access can be achieved via Vernon Boulevard, Queens Plaza, and the Queensboro Bridge. Water and sewer lines and electricity serve the area; the Project Site is located in an area where essential public services and facilities are adequate (Chapter 13, "Infrastructure"). The Proposed Action would be, therefore, consistent with Policy 1.3.




Source: New York City Department of City Planning

New York City Coastal Zone Boundary and
New York State Landward Coastal Boundary

**Figure 20-1:**
**New York City and New York State Coastal Boundaries**

## 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 Project Site is not located in a Significant Maritime and Industrial Area; therefore, Policy 2.1 does not apply.

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

The Project Site is located just south of Queensbridge Park, close to Queens West and other planned residential developments located further south along the Long Island City waterfront. Therefore, the Project Site is not appropriate for intensive waterfront industry. However, the film production industry is being encouraged in New York City, supported by the City's recent opt-in to New York State's "Empire State Film Production Credit Program," which provides tax incentives to help boost the film industry (signed into law by Mayor Bloomberg on January 3, 2005). The Proposed Action would redevelop the Project Site to include television and film production studios, commercial, and office space, as well as a public waterfront esplanade. These uses would establish a vibrant mixed-use waterfront consistent with the residential uses and open space resources inland and on the waterfront north and south of the Project Site. Therefore, it would be consistent with Policy 2.2.

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

As described above (discussion per Policy 2.2), the Project Site is not an appropriate location for intensive working waterfront uses, as it is located just south of Queensbridge Park and along Long Island City's residentially developing shore. However, all basic infrastructure is in place to support the mix of film industry space, offices, residents, and open space, thus ensuring proper development of the waterfront (see discussion per Policy 1.3), as proposed. Therefore, the Proposed Action would be consistent with Policy 2.3.

## 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.*

The portion of the East River shoreline surrounding the Project Site is not one of New York City's maritime centers, and there are no policies or plans for boating facilities development along this stretch of waterfront. Therefore, Policy 3.1 does not apply to the Proposed Action.

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

The Proposed Action does not involve recreational, commercial, or ocean-going freight vessels, nor would it establish an impediment to these uses. Therefore, the Proposed Action would be consistent with Policy 3.2.

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

As stated above, the Proposed Action would not result in commercial or recreational boating activities, nor would it create an impediment to such uses. Therefore, the Proposed Action would not cause any impacts on the aquatic environment from commercial/recreational boating and would be consistent with Policy 3.3.

## Policy 4: Protect and Restore the Quality and Function of Ecological Systems within the New York City Coastal Area

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

The Project Site is not located within a Special Natural Waterfront Area, Recognized Ecological Complex, or Significant Coastal Fish and Wildlife Habitat. Therefore, Policy 4.1 does not apply.

*Policy 4.2 Protect and restore tidal and freshwater wetlands.*

The Proposed Action is anticipated to be developed on a site with a vertical bulkhead defining its boundary with the East River. Under these circumstances, no wetlands would occur on site. The project would remove the sand and salt pile on 43rd Avenue, providing a likely benefit to water quality and local habitat conditions, since salt-laden runoff, which is currently discharged to the East River, would no longer occur. This improvement would also be consistent with Policy 4.2.

In the event that NYPA fails to reconstruct the bulkhead along the southern portion of the site, it would become necessary to do so as part of the Proposed Action. Under these conditions, the Project would displace the narrow area of surface water and intertidal zone along this portion of the Project Site, it would require the filling of a portion of the East River extending to the bulkhead line. This area is considered to be regulated under NYSDEC tidal wetland regulations. The approximately 2,290-square-foot area that would be displaced consists of approximately equal amounts of Littoral Zone (between one- and six-foot depth) and Coastal Shoal (shallower than one foot). As documented in Chapter 16, "Natural Resources," no valuable habitat would be displaced and there would be no significant impacts on natural resources.

Therefore, the Proposed Action, with or without the reconstruction of the bulkhead, would be consistent with Policy 4.2.

*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.*

As presented in Chapter 16, "Natural Resources," there are no vulnerable plant, fish, or wildlife species or rare ecological communities that would be adversely affected by development of the Project Site or reconstruction of the bulkhead. Therefore, Policy 4.3 does not apply.

### *Policy 4.4 Maintain and protect living aquatic resources.*

It is anticipated that the Proposed Action would be developed on an upland site with a continuous bulkhead as its western boundary. Under these conditions, Policy 4.4 would not apply, since there are no indigenous fish or other aquatic resources that utilize the Project Site.

Reconstruction of the bulkhead along the southern portion of the Project Site, if not accomplished by NYPA as a separate action, would requirement the placement of approximately 2,700 cubic yards (cy) of fill between the bulkhead line and eroded shoreline. This fill would displace the small portion of the East River that has encroached into the site as the result of recent erosion. The surface area displacement would be approximately 2,920 sf. Based on the assessment of conditions in this zone (see Chapter 16, "Natural Resources"), no valuable aquatic resource habitat would be displaced. As a consequence, the reconstruction of the bulkhead would be consistent with Policy 4.4.

Removal of the sand and salt pile on 43rd Avenue would provide a benefit to the water quality and local habitat conditions in the immediate vicinity of the Project Site, since salt-laden runoff, which is currently discharged to the East River, would be removed as a result of the Proposed Action. The relocation of the salt pile would likely include additional controls on salt-laden runoff (see Chapter 22, "Generic Analysis of Impacts from Salt Pile Relocation"), reducing overall pollutant loads from the facility. This improvement would be consistent with Policy 4.4.

## 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 Action would transform a vacant site into a complex of commercial, residential, studio, and other uses. As a consequence, the permeability of the Project Site would be reduced, and stormwater runoff could increase. Stormwater drainage from the Project Site would be directed to the East River through a stormwater outfall and away from combined sewers. This would be consistent with City policy for reducing stormwater inputs and preserving treatment capacity at the treatment plants. The removal of the sand and salt pile on 43rd Avenue would likely provide a benefit to water quality, since salt-laden runoff, which is currently discharged to the East River, would be removed as a result of the Proposed Action. Therefore, direct and indirect stormwater discharges to the East River would be managed, and the Proposed Action would be consistent with Policy 5.1.

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

The development expected to result from the Proposed Action would direct stormwater to discharge through the existing 7 foot by 8 inch outfall in 43rd Avenue. This drainage plan would serve to reduce potential pollutant levels in the Project Site runoff that discharges to the East River, since stormwater would directly enter the river without percolating through the Project Site, or as a portion of the combined sewer overflow entering the river. Therefore, the Proposed Action is consistent with Policy 5.2.

Removal of the sand and salt pile on 43rd Avenue would provide a benefit to the water quality and local habitat conditions in the immediate vicinity of the Project Site, since salt-laden runoff is currently discharged to the East River. The relocation of the salt pile would likely include additional controls on salt-laden runoff (see Chapter 22, "Generic Analysis of Impacts from Salt Pile Relocation"), reducing overall pollutant loads from the facility. This improvement would be consistent with Policy 5.2.

*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 Action would not fill in navigable waters or wetlands, and would be consistent with Policy 5.3. In the event that the Proposed Action would have to reconstruct the bulkhead on the southern portion of the site, reconstruction of the bulkhead would require the placement of approximately 2,700 cy of fill between the bulkhead line and existing shoreline. This fill would displace a narrow, NYSDEC-regulated tidal wetlands area that has encroached on the Project Site since the collapse of the bulkhead on this portion of the site. The placement of fill would be completed in accordance with the specifications of state and federal permits, and would include measures to protect water quality during the filling operation. Measures commonly applied include use of clean fill material, on-shore soil erosion and sediment control measures, and off-shore turbidity curtains to prevent migration of sediment. As a consequence, reconstruction of the bulkhead would be consistent with Policy 5.3.

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

The Proposed Action would likely improve groundwater quality, since redevelopment of the Project Site would require the testing and removal of identified on-site sources of groundwater contamination pursuant to a work plan to be revised and approved by NYCDEP. Although the increase in impervious surface would reduce infiltration at the Project Site, this would have little effect on groundwater, since the Project Site is close to the river, and groundwater is governed principally by tidal fluctuation. In Queens, groundwater is not used for drinking water or any other purposes. If significant dewatering is required, it would be done in conformance with applicable regulatory requirements.

Water quality in the East River would also benefit as a result of drainage plans that would separate storm and sanitary flows, thereby reducing the potential demand on the Bowery Bay water pollution control plant (WPCP). This approach to site drainage is consistent with City and State policies for improving water quality.

Removal of the sand and salt pile on 43rd Avenue would also provide a benefit to water quality and local habitat conditions in the immediate vicinity of the Project Site, since salt-laden runoff, which is currently discharged to the East River, would be removed as a result of the Proposed Action. The relocation of the salt pile would likely include additional controls on salt-laden runoff (see Chapter 22), reducing overall pollutant loads from the facility. Therefore, the Proposed Action is consistent with Policy 5.4.

## 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.*

While the majority of the Project Site is located outside of the floodplain, the western edge, up to an elevation of 10 feet National Geodetic Vertical Datum of 1929 (NGVD), is located within Zone A5 of the 100-year floodplain, as indicated on the FEMA Flood Insurance Rate Map for the City of New

York (Figure 20-2). A 100-year flood has a one in one-hundred probability of occurring in any given year within this portion of the Project Site. Establishment of the bulkhead, and filling behind it along the Project Site's western boundary, would elevate the site surface to the 10-foot elevation, above the 100-year floodplain.

Development of the Project Site would occur consistent with NYC building code requirements that relate to building in a floodplain. Therefore, the Proposed Action would be consistent with Policy 6.1.

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

Public funding for flood prevention or erosion control measures is not part of the Proposed Action. Therefore, Policy 6.2 does not apply.

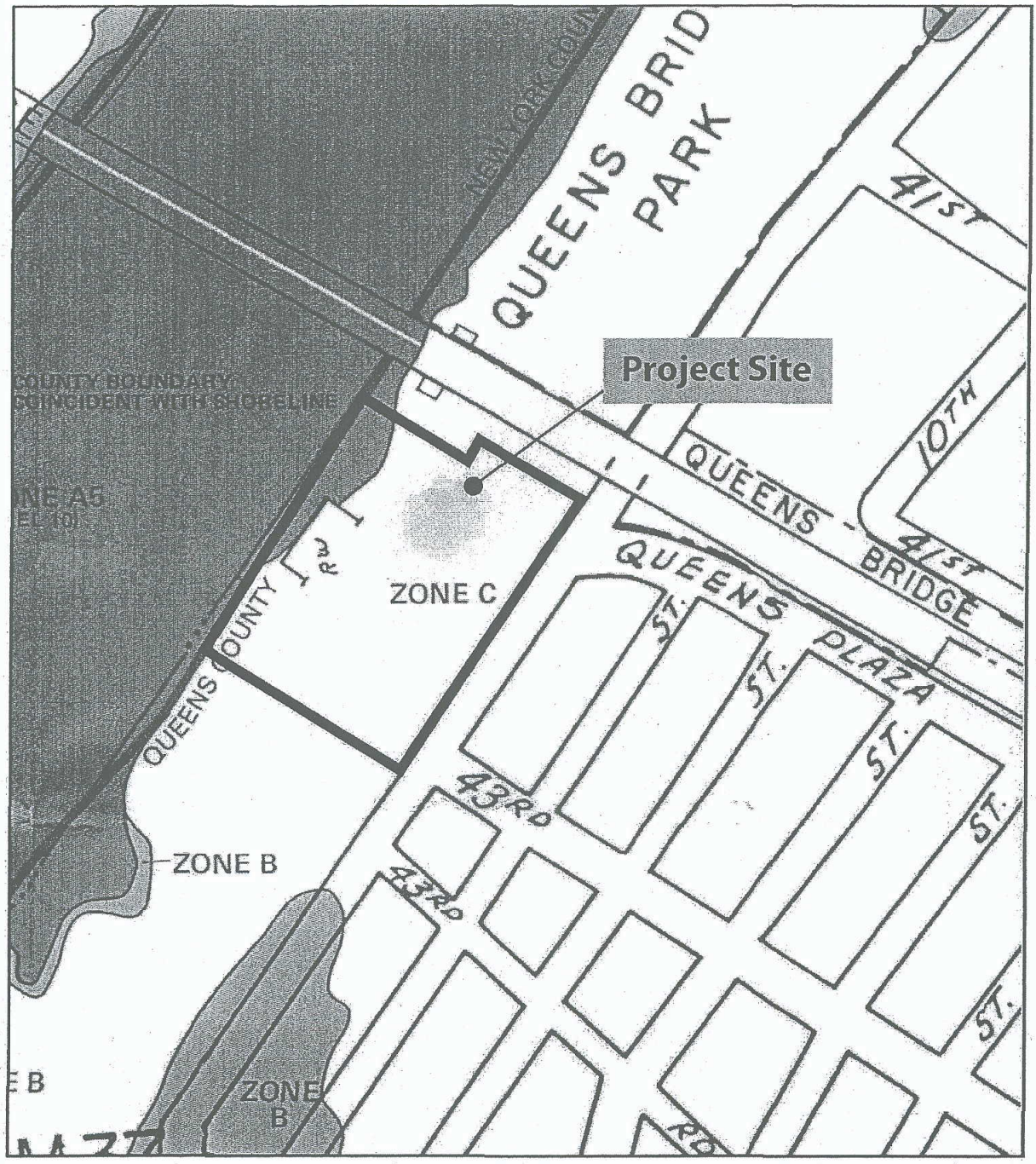
*Policy 6.3 Protect and preserve non-renewable sources of sand for beach nourishment.*

There are no non-renewable sources of sand on the Project Site. Therefore, Policy 6.3 does not apply.

## Policy 7: Minimize Environmental Degradation from Solid Waste and Hazardous Substances.

*Policy 7.1 Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution and prevent degradation of coastal ecosystems.*

The Proposed Action would result in the construction of a new multi-use development that would not involve the use or discharge of hazardous wastes or toxic pollutants. Phase I and Phase II Environmental Site Assessments (ESAs) indicate that there is a potential to encounter contamination from prior uses of the Project Site during the construction period. The Restrictive Declaration and the (E) Designation would be used to ensure that further investigation, if necessary, and remediation where necessary, would be performed. The (E) Designation and Restrictive Declaration would require that the fee owner of a so-regulated lot conduct a testing and sampling protocol, and remediate where appropriate, to the satisfaction of NYCDEP before issuance of a building permit by the Department of Buildings. The (E) Designation and Restrictive Declaration would include mandatory construction-related health and safety plans, which must be approved by NYCDEP. These mechanisms preclude the potential that significant adverse impacts would result from the Proposed Action. Prior to construction, a sampling program will be completed to determine the extent and nature of the contamination, if any. If contamination is found on the Project Site during excavation or construction, it would be handled and removed in accordance with the applicable State and Federal standards to prevent impacts to surrounding areas. The health and safety plan described in Chapter 17, "Hazardous Materials" would protect workers and the community during the construction phase. Therefore, the Proposed Action would be consistent with Policy 7.1.




Source: Federal Emergency Management Agency, 1983

**Figure 20-2:**
**Floodplain Map**

*Policy 7.2 Prevent and remediate discharge of petroleum products.*

The Proposed Action would not include large storage capacity for petroleum products. As indicated in the ESAs and Chapter 17, "Hazardous Materials," prior use of the Project Site may have resulted in petroleum contamination of some of the Project Site soils. The Restrictive Declaration and the (E) Designation would be used to ensure that further investigation, if necessary, and remediation where necessary, would be performed. The (E) Designation and Restrictive Declaration would require that the fee owner of a so-regulated lot conduct a testing and sampling protocol, and remediate where appropriate, to the satisfaction of NYCDEP before issuance of a building permit by the Department of Buildings. The (E) Designation and Restrictive Declaration would include mandatory construction-related health and safety plans, which must be approved by NYCDEP. These mechanisms preclude the potential that significant adverse impacts would result from the Proposed Action. Prior to construction, a sampling program would be completed to determine the extent and nature of the contamination, if any. Affected areas would be remediated in conformance with all applicable laws, rules, and regulations, thereby complying with the goals of this policy. Therefore, the Proposed Action would be consistent with Policy 7.2.

*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.*

Solid waste resulting from the Proposed Action would be removed by a licensed waste hauler according to all applicable laws and regulations. No hazardous substances are expected to be generated as a result of the Proposed Action. No solid or hazardous waste facilities would be sited as a result of the Proposed Action. Therefore, the Proposed Action would be consistent with the first part of Policy 7.3 (re: the transport of solid waste); the other parts of Policy 7.3 are not applicable.

## 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.*

Public access to the waterfront is not currently provided. Since public access to the waterfront does not currently exist at the Project Site, Policy 8.1 does not apply to the Proposed Action.

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

The Proposed Action would include a 500-foot-long continuous publicly-accessible esplanade, view corridor, and upland connection. Since public access is an integral element, the Proposed Action would be consistent with Policy 8.2.

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

As described in Chapter 18, "Urban Design and Visual Quality," the Proposed Action would improve the visual corridor along Queens Plaza South to the East River, replacing the Project Site's existing raised topography and overgrown condition. The designated visual corridor along 43rd Avenue between Vernon Boulevard and the East River would also be realized. The public Esplanade along the waterfront would also provide new visual access. Therefore, the Proposed Action would be consistent with Policy 8.3.

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

The Proposed Action would include a 500-foot-long continuous publicly-accessible waterfront esplanade, view corridor, and upland connection. The esplanade would be constructed so as to allow for a future connection to Queensbridge Park to the north of the Project Site. These developments would complement Queensbridge Park, providing increased connectivity to it. Therefore, the Proposed Action would be consistent with Policy 8.4.

*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 does not contain any lands or waters held in public trust by the State or City; therefore Policy 8.5 is not applicable to the Proposed Action.

## 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.*

As described in Chapter 18, "Urban Design and Visual Quality," the Project Site would open views to the waterfront. In addition, the transformation of a vacant site to include a mixed-use development, including a 500-foot-long continuous publicly-accessible waterfront esplanade, view corridor, and upland connection, as well as structures designed to enhance the visual experience of the on-site landmark New York Architectural Terra Cotta Company building and the adjacent landmark Queensboro Bridge, would improve the visual quality of the Project Site and the waterfront. Therefore, the Proposed Action would be consistent with Policy 9.1.

*Policy 9.2 Protect scenic values associated with natural resources.*

The Project Site is not located in a Special Natural Area District, a Special Natural Waterfront Area, or a Recognized Ecological Complex, nor are there any existing on-site views of natural resources. By creating new view corridors, the Proposed Action would improve the scenic value of the Project Site with visual access to the East River. Therefore, the Proposed Action would be consistent with Policy 9.2.

## 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.*

Potential impacts on historic resources are discussed in Chapter 8, "Historic and Archeological Resources." Three designated architectural resources exist in the study area:

- The New York Architectural Terra Cotta Company building is located on a small portion of the Project Site at 42-10 to 42-16 Vernon Boulevard. It is a designated New York City landmark, is listed in the New York State Register of Historic Places, and has been determined eligible for listing in the National Register of Historic Places. It was built in 1892 and was the office for the

firm that produced much of the terra cotta ornament popular in New York architecture at the turn of the century. The building has been vacant for many years and is boarded up.

- The Queensboro Bridge, built in 1909, is an ornate cantilevered bridge spanning the East River between 59th Street in Manhattan and Queens Plaza in Long Island City. A prime catalyst for the development of Queens in the early 20th century, it is a New York City landmark located adjacent to the Project Site.
- The Hunters Point Historic District, designated a New York City Landmark and listed in the National Register of Historic Places, consists of two blockfronts on 45th Avenue between 21st and 23rd Streets and five houses on 23rd Street. The houses on this tree-lined street retain most of their original detail and character.

As described in Chapter 8, "Historic Resources," and Chapter 19, "Construction," the Proposed Action would not have a significant adverse impact on any of these resources. Indeed, the Project would provide new views of both the bridge and the New York Architectural Terra Cotta Company building. Therefore, the Proposed Action would be consistent with Policy 10.1.

### *Policy 10.2 Protect and preserve archaeological resources and artifacts.*

As discussed in Chapter 8, "Historic and Archeological Resources," though the southern portion of the Project Site has been determined not to be sensitive for archaeological resources, the New York State Historic Preservation Office (SHPO) has determined that Stage 1B archeological testing is warranted on Lots 1, 3, 15, and 20, comprising the northern portion of the Project Site. The Stage 1B testing program will be conducted following completion of the EIS. Ongoing consultation with the SHPO regarding any evidence of potentially significant resources will ensure that appropriate mitigation procedures, if necessary, would be implemented prior to construction. Therefore, the Proposed Action would be consistent with Policy 10.2.

## D. VARIATIONS

The three variations would be constructed within the same footprint and building envelope as the Preferred Development Program. Since these variations would occupy the same building envelope, there are only minor differences in how these variations would affect the waterfront. This includes differences in wastewater discharge between residential and commercial use as discussed in Chapter 14, "Solid Waste." Wastewater would be managed without significant adverse impacts in each case. Therefore, due to fundamental similarities among the variations and the Preferred Development Program, the variations would be consistent with each of the 10 WRP policies for the same reasons discussed in Section B, above.