Appendix B-2
Waterfront Revitalization Program

FOR INTERNAL USE ONLY	WRP No. 19-036
Date Received: _____	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 Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

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, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: New York City Department of City Planning- Brooklyn Borough Office

Name of Applicant Representative: Winston Von Engel, Director, DCP Brooklyn Office

Address: 16 Court Street, 7th Fl. Brooklyn, NY 11241

Telephone: 718-780-8280 Email: wvoneng@planning.nyc.gov

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The City of New York acting through the Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), Department of Parks and Recreation (NYC Parks), and Department of Citywide Administrative Services (DCAS), is proposing a series of land use actions—including zoning map amendments, zoning text amendments, City Map amendments, and disposition of City-owned property (collectively, the "Proposed Actions") to implement land use and zoning recommendations in the Gowanus Neighborhood Plan (the "Neighborhood Plan" or "Plan"). The area subject to the Proposed Actions (the "Project Area") is generally bounded by Bond, Hoyt, and Smith Streets to the west; 3rd and 4th Avenues to the east; Huntington, 3rd, 7th, and 15th Streets to the south; and Warren, Baltic, and Pacific Streets to the north.) The Proposed Actions

2. Purpose of activity

The Proposed Actions are intended to facilitate development patterns that meet the long-term vision of a thriving, inclusive, and more resilient Gowanus where existing and future residents and workers can participate in civic, cultural, and economic activities and where a wholly unique resource—the Gowanus Canal—can thrive and play an active role in that equitable and sustainable growth.

The objectives of the Proposed Actions are:

• Support existing clusters of economic activity and promote development of new job-generating uses through increased industrial and commercial density and updated parking and loading regulations in key areas;

• Provide opportunities for the creation of new mixed-use neighborhoods with active

C. PROJECT LOCATION

Borough: Brooklyn Tax Block/Lot(s): See Appendix A3

Street Address: Zip Codes: 11215,11231

Name of water body (if located on the waterfront): Gowanus Canal

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☐ Yes ☐ No

- ☑ City Map Amendment
- ☑ Zoning Map Amendment
- ☑ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☑ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☑ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☐ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☐ No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? ☐ Yes ☐ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☐ No
3. Is the project located on publicly owned land or receiving public assistance? ☐ Yes ☐ No
4. Is the project located within a FEMA 1% annual chance floodplain? *(6.2)* ☐ Yes ☐ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)* ☐ Yes ☐ No
6. Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).* ☐ Yes ☐ No

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)

   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)

   ☑ Priority Maritime Activity Zone (PMAZ) (*3.5*)

   ☐ Recognized Ecological Complex (REC) (*4.4*)

   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☐	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☐	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☐	☐	☐
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☐	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☐
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☐	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☐
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☐
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☐
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☐
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☐
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☐	☐	☐
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☐
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☐
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☐
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☐
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☐
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☐
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☐	☐	☐
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☐
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☐
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☐
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☐	☐	☐
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☐
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☐
4.7	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.	☐	☐	☐
4.8	Maintain and protect living aquatic resources.	☐	☐	☐

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☐	☐	☐
5.1	Manage direct or indirect discharges to waterbodies.	☐	☐	☐
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☐
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☐	☐	☐
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☐
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☐
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☐	☐	☐
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☐	☐	☐
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☐	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☐
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☐
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 environment and public health and safety.**	☐	☐	☐
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☑	☐	☐
7.2	Prevent and remediate discharge of petroleum products.	☑	☐	☐
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☑	☐	☐
8	**Provide public access to, from, and along New York City's coastal waters.**	☑	☐	☐
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☑	☐	☐
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☑	☐	☐
8.3	Provide visual access to the waterfront where physically practical.	☑	☐	☐
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☑	☐	☐

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☐	☐	☐
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☐
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.	☐	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☐
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☐	☐	☐
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☐
10.2	Protect and preserve archaeological resources and artifacts.	☐	☐	☐

G. CERTIFICATION

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

"The proposed activity complies with New York State's approved 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's Name: Winston Von Engel, Director, DCP Brooklyn Office

Address: 16 Court Street, 7th Fl. Brooklyn, NY 11241

Telephone: 718-780-8280 Email: wvoneng@planning.nyc.gov

Applicant/Agent's Signature: 

Date: 1/19/21

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

A. INTRODUCTION

The City of New York acting through the Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), Department of Parks and Recreation (NYC Parks), and the Department of Citywide Administrative Services (DCAS) , is proposing a series of land use actions, including zoning map amendments, zoning text amendments, City Map amendments, and disposition of City-owned property (collectively, the "Proposed Actions") that would implement land use and zoning recommendations contained in DCP's Gowanus Neighborhood Plan. The Project Area is generally bounded by Bond, Hoyt, and Smith Streets to the west; 3rd and 4th Avenues to the east, Huntington, 3rd, 7th, and 15th Streets to the south; and Warren, Baltic, and Pacific Streets to the north (see Figures 1-1 and 1-2 in Chapter 1 "Project Description").

The waterfront blocks along the Canal are all within the City's Coastal Zone (see Figure 9-1 in Chapter 9, "Natural Resources"); therefore, in accordance with the New York City Waterfront Revitalization Program (WRP) and the Federal Coastal Zone Management Act, the Proposed Actions were reviewed for consistency with the City's WRP policies. To complete this analysis, a consistency analysis for the WRP policies as identified by policy questions answered as "Promote" in the preceding Consistency Assessment Form (CAF) is provided below.

B. POLICY ANALYSIS

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 Actions would allow for new mixed-use, residential, commercial, and community facility development, as well as conversions and adaptive reuse of existing buildings on lands that were previously developed and are currently vacant and underutilized sites, with access to transportation and transit facilities. The Project Area is surrounded by the residential neighborhoods of Park Slope, Carroll Gardens, and Boerum Hill, and the mixed-use neighborhood of Downtown Brooklyn. The Proposed Actions would strengthen and connect surrounding neighborhoods to the Gowanus Canal by increasing opportunities for waterfront public access. The Proposed Actions would facilitate the creation of approximately 6 acres of new waterfront open space and neighborhood parks along the Canal. Additionally, the Proposed Actions include disposition approvals that would facilitate redevelopment of two City-owned sites. One is an underused property at the Gowanus Green Site (City-Owned Site/Public Place) that would be constructed as a mixed-use development that would include affordable housing, commercial uses, community facility space, and new waterfront open

space. The other site is at 4th Avenue and Carroll Street, adjacent to a New York City Transit Substation. Development rights from the City-owned substation would be utilized at an adjacent development to facilitate a mixed-use building. Lastly, the Proposed Actions include authorizations to promote the development of community resources like schools and transit improvements and a special permit to allow hotels. A chairperson certification would facilitate a new entrance to the Union Street R station on 4th Avenue in exchange for height and density increases. Therefore, the zoning and other approvals under the Proposed Actions would promote this policy.

Policy 1.2 Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

The Proposed Actions would encourage residential, commercial, and community facility uses along the Canal waterfront and facilitate the creation of new waterfront open space and neighborhood parks along the Canal through the establishment of a WAP and changes to the City Map. The WAP would ensure that a continuous waterfront public walkway would be constructed over time through a mix of public and private investment. The WAP also includes design requirements to encourage a variety of features such as planting, seating areas, active programming, and other amenities for public use and enjoyment. The WAP would also encourage street end designs that ensure continuity of public access across sites; allow and promote a mix of uses on ground floors leading to and along the Canal to support a vibrant and lively waterfront, including active use requirements at key locations; and ensure continuity of public access at bridge crossings. Therefore, it is concluded that the Proposed Actions would promote this policy.

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

A number of infrastructure improvements are planned in the No Action condition that would meet existing demand and support future growth. As discussed, further in Chapter 11, "Water and Sewer Infrastructure," the New York City Department of Environmental Protection (DEP) has commenced construction of High Level Storm Sewers (HLSS), generally in the blocks located between Carroll and State Streets near the northern end of the Canal and extending to 4th Avenue to the east. These improvements in drainage infrastructure will reduce stormwater flows to the combined sewer system and reduce the frequency and volume of combined sewer overflow (CSO) into the Canal. As part of the HLSS project, 87 new catch basins will be installed to allow stormwater to drain from the streets into 14,000 linear feet of new high-level storm sewers. DEP has also invested in green infrastructure improvements, including bioswales in the right-of-way and stormwater Greenstreets in the area north and east of the Canal that will decrease stormwater runoff and reduce CSO events. DEP is also planning for construction of two new CSO storage facilities, as part of the United States Environmental Protection Agency (EPA) Superfund remedy for the Gowanus Canal—the Head End Facility and the Owls Head Facility—which are expected to be complete and operational by 2028. DEP is also expected to make additional infrastructure upgrades in the area in connection with the CSO facilities. The Proposed Actions would not conflict with these planned infrastructure improvements and individual projects would also improve the on-site infrastructure at each redevelopment site.

As part of the Proposed Actions, the Gowanus Special Mixed Use District (GSD) would also include special FAR regulations to promote schools and other community facilities.

The Proposed Actions would facilitate development in an area well served by public transit. The D/N/R subway lines run below 4th Avenue and include local stops at Union Street and 4th Avenue/9th Street. The 4th Avenue/9th Street stop also is served by the F/G subway lines. Bus routes in the Project Area include the B37 along 3rd Avenue, the B103 along 3rd and 4th Avenues, and the B61 along 9th Street. Therefore, the Proposed Actions would promote this policy.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

The Proposed Actions are consistent with Policy 1.5; see the response to Policy 6.2 below.

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

Policy 3.1. Support and encourage in-water recreational activities in suitable locations.

There are two existing boat launches at the western edge of the Canal—at the Gowanus Canal Sponge Park at 2nd Street and at the end of 1st Street. The Proposed Actions would not affect the existing boat launches or restrict access to them, but would improve access and visibility to them through the linear network of waterfront esplanades anticipated on both sides of the Canal. As part of the Proposed Actions, the WAP will promote visual and physical access to the Canal and encourage interaction with the waterfront by providing flexibility in certain design requirements on sites that provide amenities such as boat launches and get-downs. These incentives aim to enhance connectivity with the water's edge and encourage a variety of shoreline treatments and experiences. Therefore, it is concluded that the Proposed Actions would promote this policy.

Policy 3.2 Support and encourage recreational, educational and commercial boating in New York City's maritime centers.

The Proposed Actions would not affect or restrict access to the existing boat launches at 1st and 2nd Streets, nor would it affect commercial vessel operations. As stated above, as part of the Proposed Actions, the WAP will promote visual and physical access to and encourage interaction with the Canal waterfront by incentivizing boat launches. Therefore, the Proposed Actions would promote this policy.

Policy 3.3 Minimize conflicts between recreational boating and commercial ship operations.

The Proposed Actions would encourage recreational boating in areas with infrequent commercial ship operations. Commercial ship operations mainly occur in the southern portion of the Canal, in the Priority Marine Activity Zone (PMAZ), which is outside of the primary study area. The Proposed Actions will promote recreational boating outside of the PMAZ, and encourage the continued use of the Canal as a recreational waterway by the public. Therefore, the Proposed Actions would promote this policy.

Policy 3.4 Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

Landscaped surfaces as per the WAP and changes to the City Map would facilitate new waterfront open spaces, bioswales, stormwater retention features, and other green infrastructure treatments that would support the aquatic environment and improve habitat. Water quality and aquatic habitat along the Canal is also expected to improve over time because of ongoing cleanup efforts associated with the Superfund remediation efforts, capital

improvements, and improvements to stormwater and CSO systems in the Project Area. Therefore, it is concluded that the Proposed Actions would promote this policy.

Policy 3.5 In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure.

The Proposed Actions will not alter any maritime infrastructure and would not preclude the subsequent use or future adaptation of the shoreline for vessel docking, berthing, or tie-up within the PMAZ, which is outside of the primary study area.

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

Policy 4.5 Protect and restore tidal and freshwater wetlands.

The Gowanus Canal is recognized as a tidal wetland by the United States Fish and Wildlife Service (USFSW) and the New York State Department of Environmental Conservation (DEC).

As described in Chapter 9, "Natural Resources," a number of projects are planned in the No Action condition that would remediate and restore ecological functions along the Canal waterfront. For example, the Superfund remediation efforts include dredging approximately 307,000 cubic yards of contaminated sediment from the upper and middle portions of the Canal and 281,000 cubic yards of contaminated sediment from the lower portion of the Canal. A multilayer cap will then be installed to prevent future exposure to contaminants, and the cap will be topped with clean sand to fill the voids in a stone and gravel armor later and establish sufficient depth to restore the Canal bottom's natural habitat. The 1st Street turning basin project, also part of the Canal's Superfund remediation, will replace contaminated material with approximately 7,700 square feet (0.2 acres) of vegetated tidal wetland habitat on the north and east ends of the basin, benefiting wetland resources within the Canal. Similarly, a portion of the 5th Street turning basin beneath the 3rd Avenue Bridge extending about 25 feet to the east will also be dredged and restored as part of Superfund remediation.

As part of the Proposed Actions, the WAP would incentivize strategies that provide ecological benefits such as softer edge conditions and natural shoreline treatments. The WAP would tailor design and grading requirements for waterfront public access areas to ensure that a range of range of flood mitigation strategies can be accommodated. The WAP would also establish elevations for the primary circulation path along the Canal to protect against daily tidal inundation. This requirement may encourage portions of the primary path to be setback from the shoreline, allowing for planted edge conditions that can be designed to be flood-resilient. These outcomes align with the Canal Superfund remediation and related efforts to improve Canal water quality and stormwater management. Therefore, it is concluded that the Proposed Actions promote this policy.

Policy 4.6 In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.

Landscaped spaces as part of newly created waterfront open spaces, bioswales, stormwater retention features and other green infrastructure treatments that are projected under the With Action condition are expected to provide supplemental habitat within the Project Area. The WAP includes planting requirements that would encourage natural soft edges and strategies

that support ecological benefits. The WAP would allow portions of the shore public walkway below Mean High Water to count toward the minimum width requirements for waterfront yards, which would further incentivize carving out soft edges to create nature shoreline conditions with planting and/or riprap. Street ends may also be designed to include planted areas wherever possible, in addition to facilitating the primary goal of continuity between sites. This network of anticipated landscaped areas would add to the ecological value and create additional habitat of various scales and types. Therefore, it is conclude that the Proposed Actions promote this policy.

Policy 4.7 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 discussed further in Chapter 9, "Natural Resources," the Project Area does not provide suitable habitat for threatened, endangered, and special concern species. Therefore, threatened, endangered, and special concern species are not expected to be present in the Project Area. In the future, the Superfund remediation plan for the Gowanus Canal is expected to result in improved water quality, which would also result in improved habitat for plants and wildlife in the Canal. Therefore, the Proposed Actions would promote this policy.

Policy 4.8 Maintain and protect living aquatic resources.

Any impacts to aquatic resources under the Reasonable Worst-Case Development Scenario (RWCDS) would be from improvements to the stormwater management system (i.e., drainage, piping), which would have beneficial effects on water quality and aquatic habitat from the reduced occurrence of CSO events. These benefits would occur in concert with incremental changes in water quality from additional improvements associated with the cleanup of the Canal, occurring separately from the Proposed Actions. If outfall rehabilitation is proposed in connection with private development adjacent to the Canal, temporary impacts would occur during sediment disturbance, which would be minimized through the use of best management practices for turbidity control. Therefore, the Proposed Actions would promote 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.

As each individual site is redeveloped, it is expected that stormwater runoff contributions to the Gowanus Canal would decrease. As described above, the City is currently implementing capital projects and proposing others in the Gowanus Canal sewershed that are directed at reducing stormwater flows to the combined sewer system and CSO events in the Canal. For example, DEP has commenced construction and installation of an HLSS project in the Gowanus watershed area, generally located between Carroll and State Streets near the northern end of the Canal, extending to 4th Avenue to the east. Once completed, this HLSS project will create a separate stormwater discharge to the Canal through a stormwater outfall at Carroll Street and would reduce stormwater flows to the combined sewer system, which would reduce the frequency and volume of CSO into the Canal. As part of the HLSS project, 87 new catch basins will be installed to allow stormwater to drain from the streets into 14,000 linear feet of new high-level storm sewers. In addition, all existing catch basin drainage connections will be switched from the existing combined sewer to the new high-level storm sewers.

DEP has also invested in green infrastructure that has been constructed, is in construction, or is planned in the Gowanus watershed area, including bioswales in the right-of-way and stormwater greenstreets in the area north and east of the Canal. DEP also implemented the Gowanus Canal Sponge Park, an 1,800 square foot park located at the end of 2nd Street, which has been specifically designed to capture and retain stormwater that flows down 2nd Street before it reaches the Canal. These improvements would occur irrespective of the Proposed Actions and additional green infrastructure elements and new open space would improve stormwater management.

In addition, DEP is planning for construction of two new CSO storage facilities, as part of the EPA Superfund remedy for the Gowanus Canal. When completed, the CSO facilities will collect and retain CSO from the combined sewer system, which currently discharges to the Canal. The first facility (the "Head End Facility") would be located at the "head end," or northernmost portion of the Canal (near the intersection of Nevins Street and Butler Street) and is expected to include an 8-million-gallon (MG) underground tank. The second facility (the "Owls Head Facility") would be located at the middle of the Canal near the northern terminus of 2nd Avenue and the 4th Street turning basin, and is expected to include a 4-MG tank.

As discussed in Chapter 11, "Water and Sewer Infrastructure," DEP performed a detailed drainage analysis and CSO assessment in connection with the Proposed Actions. The analysis is detailed in the *Gowanus Canal CSO and Surcharging Assessment Technical Memorandum* (January 2021; see **Appendix F**). The detailed analysis found that, in the With Action condition, CSO volumes would decrease as compared to the No Action condition despite the increase in sanitary flows from new development. This reduction in CSO volumes is a result of the new on-site stormwater management volume requirements under the Unified Stormwater Rule, which increases the total volume of water that must be managed on new and redeveloped properties as well as updates the type and performance of on-site stormwater management practices that must be implemented. Overall, in the With Action condition, CSO volumes discharged to the Canal would be similar to those in the No Action condition, and the Proposed Actions would not affect the City's ability to meet the EPA Record of Decision (ROD) CSO requirements. Therefore, based on the detailed analysis, the Proposed Actions are not projected to significantly affect CSO discharges or water quality in the Gowanus Canal.

In addition, the Proposed Actions include a WAP that would facilitate activation and improved access to the Gowanus Canal as well as new publicly accessible open space. The WAP would encourage interaction with the water's edge, promote diverse shoreline edge treatments, and ensure that zoning does not preclude the integration of performative landscapes and stormwater management strategies. These outcomes align with the Canal Superfund remediation and DEP sewer and green infrastructure efforts to improve Canal water quality and stormwater management. Therefore, it is concluded that the Proposed Actions would promote this policy.

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

As noted above, in the With Action condition, CSO volumes and street flooding conditions would decrease as compared to the No Action condition despite the increase in sanitary flows from new development due to increased on-site stormwater management volume requirements, more stringent release rate restrictions, and the number of retention practices implemented with new

development in accordance with the proposed Unified Stormwater Rule. As part of a Site Connection Proposal (SCP) developers would be required to be in compliance with the required on-site stormwater volume requirements and stormwater release rate as detailed in the Unified Stormwater Rule. Sewer improvements may also be required of the applicant at the time of the SCP. Each projected development site, regardless of lot size, will trigger the Chapter 31 component of the Unified Stormwater Rule and will be required to implement slow-release stormwater management practices (SMPs) to meet updated release rate and volume requirements on-site. Projected development sites that also trigger the Chapter 19.1 component of the rule will implement SMPs based on the combined sewer area SMP hierarchy as described in Chapter 11. The SMP hierarchy provides for design flexibility in selecting on-site SMPs by grouping SMPs by function in tiers, while also ensuring that vegetated and higher performing SMPs are evaluated first. There is no waiver to the SMP hierarchy available and site constraint documentation must be provided to move from a higher tier to a lower tier of the SMP hierarchy. The Unified Stormwater Rule ensures that redeveloped properties manage more total stormwater and manage it more efficiently than prior to redevelopment.

Trees planted per the Special Gowanus Mixed-Use District's street tree requirement could also be utilized to capture and store water below an enhanced tree pit. These SMPs, among other potential measures, would help to avoid an exacerbation of existing CSO discharge.

Overall, in the With Action condition, CSO volumes discharged to the Canal would be similar to those in the No Action condition, and the Proposed Actions would not affect the City's ability to meet the EPA ROD CSO requirements. Therefore, it is concluded that the Proposed Actions promote 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.

Development under the Proposed Actions would be expected to involve minimal in-water construction and not result in direct or indirect disturbance to water quality, sediment quality, or aquatic biota.

During upland construction activities on waterfront sites, erosion and sediment control measures would be implemented and stormwater would be discharged in accordance with the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). Any temporary construction dewatering would be subject to DEP and/or DEC regulations and permits, and any groundwater recovered during dewatering would undergo pretreatment before it is discharged to the municipal sewer system or the Canal. These measures would eliminate the potential for sediment, stormwater, or groundwater discharges that may affect water quality of the Canal.

Therefore, it is concluded that the Proposed Actions promote this policy.

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

The Proposed Actions would not result in the introduction of any new groundwater contaminants and would not have the potential to adversely affect the Brooklyn-Queens sole source aquifer. The Superfund remediation plan for the Gowanus Canal would also improve groundwater conditions in the Project Area, through the dredging and removal of contaminated soils and the installation of a multilayer cap.

Increased development, particularly residential development, would result in increased sanitary sewage to the combined sewer system. These increased flows could be discharged as a CSO to the Gowanus Canal during heavy rainfall. However, as discussed above, CSO volumes in the With Action condition would decrease as compared to the No Action condition despite the increase in sanitary flows from new development due to increased on-site stormwater management volume requirements, more stringent release rate restrictions, and the number of retention practices implemented with new development in accordance with the proposed Unified Stormwater Rule. Specifically, developers would be required to incorporate SMPs at each development site to limit stormwater from the site to the sewer system. These SMPs, among other potential measures, would help to avoid a CSO discharge into the Canal. Overall, in the With Action condition, CSO volumes discharged to the Canal would be similar to those in the No Action condition, and the Proposed Actions would not affect the City's ability to meet the EPA ROD CSO reduction requirements.

Therefore, it is concluded that the Proposed Actions promote this policy.

Policy 5.5 Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.

As discussed further in Chapter 11, "Water and Sewer Infrastructure," DEP has undertaken extensive stormwater infrastructure improvements in the Gowanus Canal sewershed in the No Action condition to control CSOs being discharged into the water body, including an updated Gowanus Wastewater Pumping Station, HLSS, and Green Infrastructure. Future additional improvements are expected to be constructed, in particular CSO control facilities mandated by the U.S. Environmental Protection Agency (EPA) in connection with the ongoing Superfund remediation of the Canal. As part of the HLSS project, 87 new catch basins will be installed to allow stormwater to drain from the streets into 14,000 linear feet of new high-level storm sewers. In addition, all existing catch basin drainage connections will be switched from the existing combined sewer to the new high-level storm sewers.

The Proposed Actions would not interfere with these planned infrastructure improvements and would facilitate site-based improvements that would support improved water quality and ecology in the Canal.

Therefore, it is concluded that the Proposed Actions would promote this policy.

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

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

As discussed below under Policy 6.2, portions of the Project Area are currently within the 1 percent annual chance floodplain (**Figure 1**) and would continue to be within the floodplain in the future. The floodplain is projected to encompass the majority of the Project Area west of 3rd Avenue by the 2050s (**Figure 2**). Development under the Proposed Actions would also not result in increased coastal flooding.

New development that is projected under the Proposed Actions would incorporate both structural and non-structural methods for flood risk reduction, including design measures used in the site and building designs. At sites along the Canal with required waterfront public access areas, waterfront yards could be graded to meet higher flood elevations along the building

edge, while maintaining a close proximity to the shoreline along the water's edge. Buildings are also expected to be elevated to the required flood elevations, or dry or wet floodproofed, depending on the proposed use. Critical systems would be elevated or enclosed in dry floodproofed vaults. Building height may be measured from the design flood elevation (DFE), which allows for some flexibility with the design of the ground floor and locating key uses such as mechanicals and building egress. The Proposed Actions also include special bulk regulations for Canal sites that would provide further flexibility to meet flood-resilient construction requirements. Additionally, the Proposed Actions include requirements and incentives for non-residential uses, such as permitting non-residential uses to occupy the entirety of the ground floor, and allowing residential units to be placed beginning on the second floor, well above the current flood elevations.

Therefore, it is concluded that the Proposed Actions would promote this policy.

Policy 6.2 Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

Guidance provided by DCP[1] recommends a general methodology to determine consistency with Policy 6.2 for actions that facilitate programmatic non site-specific actions (e.g., area-wide zoning map changes or amendments), like the Proposed Actions. A summary of this process is provided below.

Step 1(a): Assess the project area's exposure to current and future flood risk.

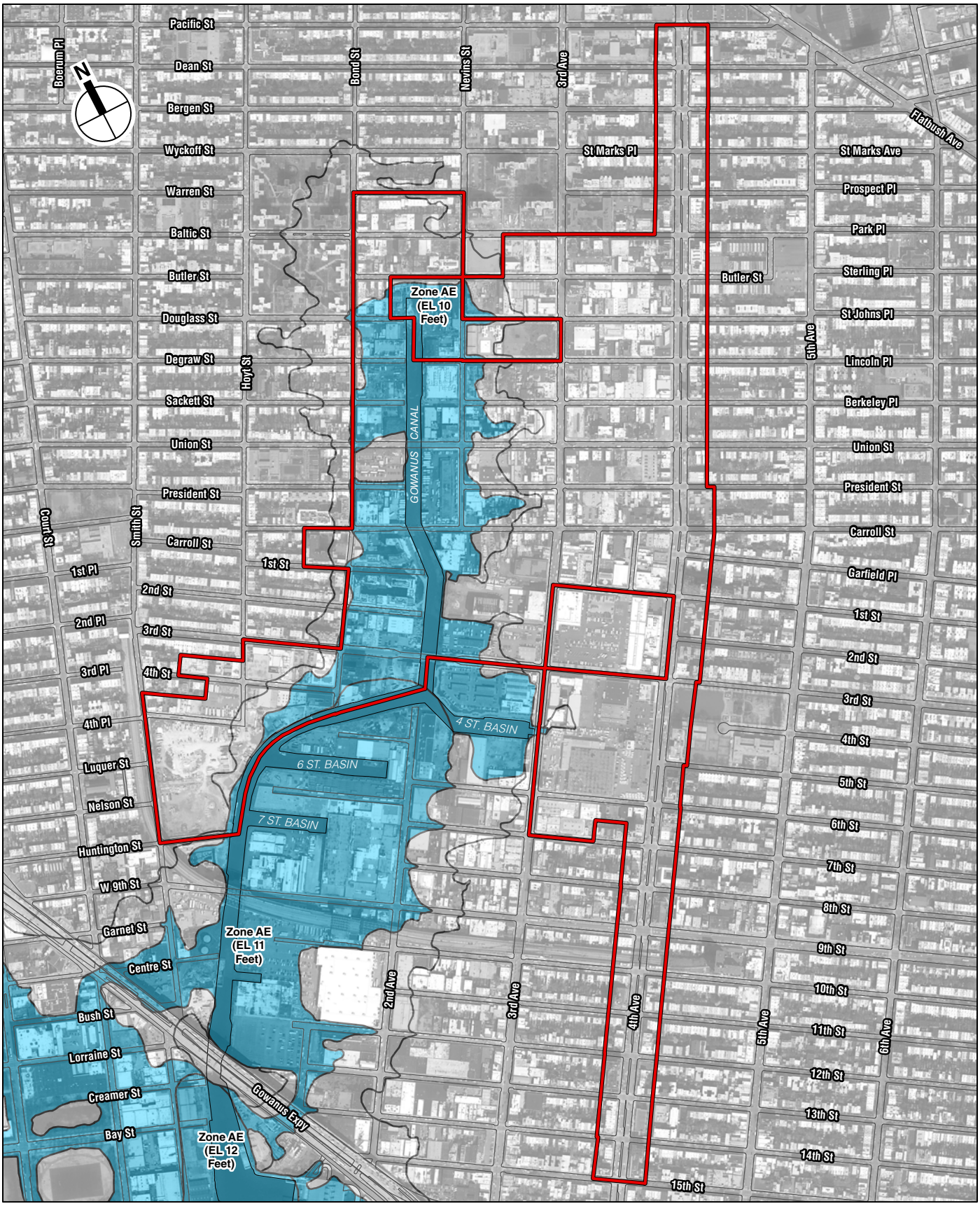
Portions of the Project Area are currently within the 1 percent annual chance floodplain in Zone AE (see **Figure 1**). In general, areas within the floodplain north of 4th Street have a base flood elevation (BFE) of +10 feet NAVD88; areas south of 4th Street have a BFE of +11 feet NAVD88. Portions of properties at the fringes of the 1 percent annual chance floodplain are currently within the 0.2 percent annual chance floodplain. With the exception of the properties directly surrounding the 4th Street turning basin, the majority of the Project Area east of Third Avenue is not currently within a designated floodplain.

Under projected conditions for 2050, the entire Project Area west of 3rd Avenue will be within either the 1 percent or 0.2 percent annual chance floodplain (see **Figure 2**).[2] The majority of properties east of 3rd Avenue will remain outside of both floodplains, with the exception of small areas of the blocks bordering 3rd Avenue between 1st and 8th Streets. Projected high tide conditions in 2050 would only affect portions of the Project Area immediately along the Gowanus Canal (**Figure 3**).

Step 1(b): Identify if the project or action would facilitate the development of any vulnerable, critical, or potentially hazardous features…within areas exposed to flooding from Mean Higher High Water or 1% Annual Chance Flood by the 2050s under the 90th percentile of sea level rise projections.

[1] NYC Planning. *The New York City Waterfront Revitalization Program: Climate Change Adaptation Guidance.* November 2018.

[2] NYC Planning Flood Hazard Mapper (nyc.gov/floodhazardmapper)



1.14.21

Data sources: NYC Department of City Planning; FEMA, January 2015 / NYS GIS Program Office, 2016 Digital Orthoimagery in New York City, October 2016

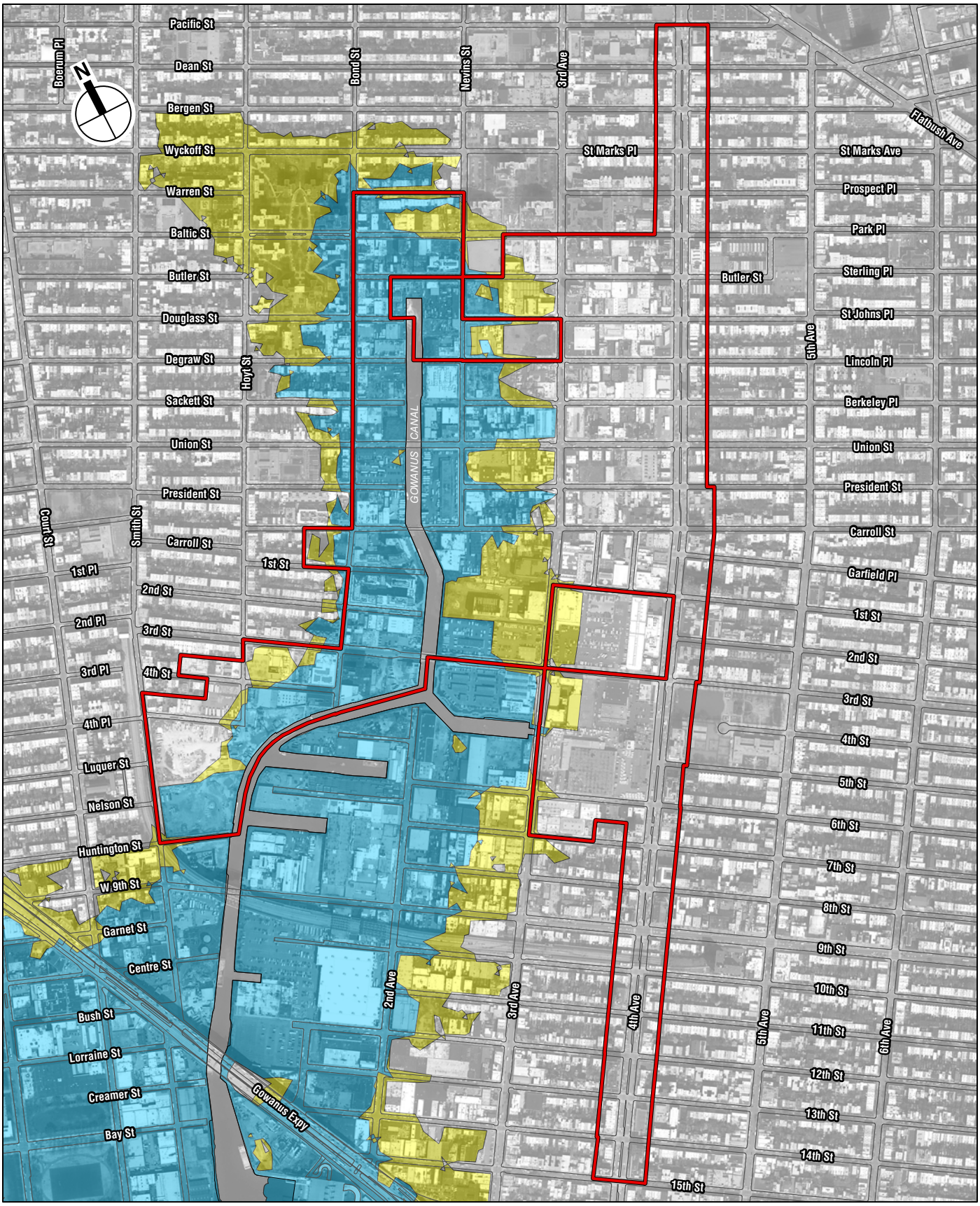
Project Area / Primary Study Area

1% Annual Chance of Flooding

GOWANUS NEIGHBORHOOD REZONING AND RELATED ACTIONS

FEMA Preliminary FIRM

Appendix B2 - Figure 1



1.14.21

Data sources: 2014 Digital Orthoimagery in New York City, February 2015; New York City Panel on Climate Change, via NYC Dept. of City Planning

Project Area / Primary Study Area

2050s 100-year Floodplain (90th percentile)

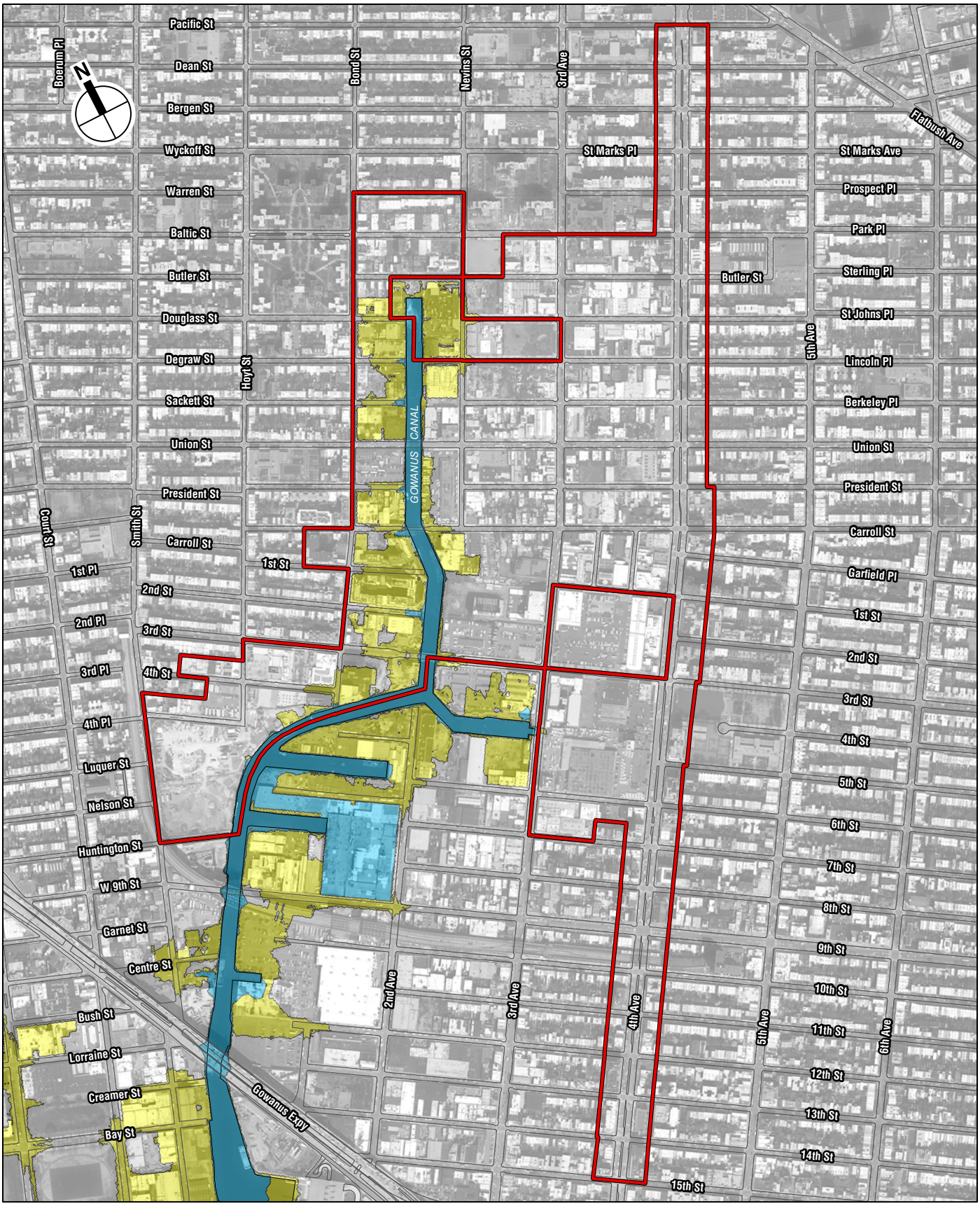
2100s 100-year Floodplain (90th percentile)

0 1,000 FEET

Future 100-year Floodplains 2050s and 2100s Projections

GOWANUS NEIGHBORHOOD REZONING AND RELATED ACTIONS

Appendix B2 - Figure 2



1.14.21

Data sources: 2014 Digital Orthoimagery in New York City, February 2015; New York City Panel on Climate Change, via NYC Dept. of City Planning

Project Area / Primary Study Area

2050s High Tide (90th percentile - 30 inches SLR)

2100s High Tide (90th percentile - 75 inches SLR)

0 1,000 FEET

Future Mean Higher High Water 2050s and 2100s Projections

GOWANUS NEIGHBORHOOD REZONING AND RELATED ACTIONS

Appendix B2 - Figure 3

Any new buildings associated with future development in the floodplain under the Proposed Actions would comply with Appendix G of the New York City Building Code, which regulates construction and substantial building improvements in flood hazard areas. Although specific building designs are not yet proposed, any necessary wet or dry flood protection measures (e.g., aluminum shielding and/or flood gates at entryways within the floodplain) would be incorporated into the building designs and required for construction bids. All proposed new critical infrastructure (i.e., electrical, plumbing, mechanical equipment) would be elevated above the projected flood levels in each new building, and basement uses would be floodproofed and limited to storage only, as necessary. The Proposed Actions would not preclude existing buildings in the current or future floodplain from adaptation to future flood risk through retrofitting methods such as wet- or dry-floodproofing ground floor spaces or relocating critical equipment or vulnerable uses to higher elevations in the building envelope, and would facilitate the integration of these protections as part of the redevelopment of each site.

Step 2: Assess how applicable codes and regulations, planned flood damage reduction elements and adaptive measures, or likely future infrastructure investments (beyond the scope of the proposed project), would or would not reduce potential flood damage for any proposed vulnerable, critical, or potentially hazardous features.

As described under Step 1(b), any new buildings or substantial building improvements would be designed and built in compliance with Appendix G of the New York City Building Code, reducing the risks of flooding under current and projected conditions. Any development under the Proposed Actions directly along the Gowanus Canal waterfront would include elevation of the site grade to support ongoing neighborhood-wide resiliency efforts. New parkland and open space development along portions of the shoreline would be vegetated with plants tolerant of salt spray and inundation by tidal waters. Stormwater management improvements (e.g., bioswales, Greenstreets, ongoing separation of CSO and stormwater discharges) implemented throughout the Project Area would improve street drainage during rain events, further reducing the risks of flood damage associated with local flooding (e.g., inland flooding due to short-term, high-intensity rain events coupled with inadequate drainage). Additionally, the WAP would establish elevations for the primary circulation path and inshore public walkways to protect against long-term daily tidal inundation while allowing for flexibility with waterfront public access area design to meet higher flood elevations and promote better connectivity between the building edge and the public realm.

Step 3: Assess policy consistency.

Any development resulting from the Proposed Actions would incorporate measures to reduce the risks of flooding for properties within the current and future floodplain. New or substantially renovated buildings would comply with Appendix G of the New York City Building Code, and critical infrastructure would be elevated above the BFE. Open space development and stormwater infrastructure improvements would help to improve street drainage and reduce the risks of flood damage associated with local flooding. Elevation of site grades at properties bordering the Gowanus Canal would support ongoing neighborhood-wide resiliency efforts. The Proposed Actions include these flexible requirements for building envelopes and public access spaces to ensure that applicable codes and regulations can be met, while also encouraging the continued vibrancy of streets and the public realm in the floodplain. Therefore, it is concluded that the Proposed Actions would promote this policy.

Policy 6.3 Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

The Proposed Actions do not include direct public funding for flood prevention or erosion control measures but will not preclude such funding in the future. Therefore, this policy does not apply.

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 environment and public health and safety.

Policy 7.1 Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystem.

As discussed in Chapter 10, "Hazardous Materials," hazardous materials resulting from the Proposed Actions would be precluded through compliance with existing regulatory requirements (for the hazardous materials in the structures) and with the placement of (E) designations or comparable institutional controls for all development under private ownership.

An E designation for hazardous materials would require that prior to change of use or redevelopment of a site requiring ground disturbance, that the owner of the site conduct a Phase I Environmental Site Assessment (ESA), subsurface testing and remediation, where appropriate, to the satisfaction of the Mayor's Office of Environmental Remediation (OER). E designated sites applying for Department of Buildings (DOB) permits associated with a change of use or ground disturbance cannot be issued without OER approval. The E designation requirements with the associated OER review would ensure protection of human health and the environment from known or suspected hazardous materials, and may involve review by other agencies.

For the City-owned sites under the jurisdiction of HPD (Block 471, Lots 1 and 100), it is expected that measures to require testing and remediation would be included as part of Land Disposition Agreements (LDAs), Restrictive Declarations (RDs), or comparable binding mechanisms between the City of New York and prospective developers, would require measures similar to that of an E designation. Development of certain sites may require coordination with DEC and EPA, as necessary. For the proposed new parkland on Block 471 similar measures addressing requirements for subsurface disturbance and any necessary remedial activities would be conducted in accordance with NYC Parks procedures, with other agency involvement, as required.

Therefore, the Proposed Actions would promote this policy.

Policy 7.2 Prevent and remediate discharge of petroleum products.

As discussed in Chapter 10, "Hazardous Materials," all on-site petroleum storage tanks (and any unforeseen tanks encountered during redevelopment) would be properly closed and removed in accordance with applicable requirements. Therefore, the Proposed Actions would promote this policy.

Policy 7.3 Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

Transportation of material leaving development sites for off-site disposal would be in accordance with federal, state, and local requirements covering licensing of haulers and trucks,

placarding, truck routes, manifesting, etc. All on-site petroleum storage tanks (and any unforeseen tanks encountered during redevelopment) would be properly closed and removed in accordance with applicable requirements. Therefore, the Proposed Actions would promote this policy.

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

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

The Proposed Actions would promote Policy 8.1 through the implementation of the WAP. The WAP would include design requirements that aim to facilitate a variety of design outcomes and site-specific programming of public open spaces along the Gowanus Canal. The WAP would also map public access easements such as upland connections and visual corridors to extend the existing street grid and provide additional opportunities for visual and physical access to the Canal. The WAP would encourage interaction with the water's edge, promote diverse shoreline edge treatments, and ensure that zoning does not preclude the integration of performative landscapes and stormwater management strategies. The WAP would also encourage street end designs that ensure continuity of public access across sites; allow and promote a mix of uses on ground floors leading to and along the Canal to support an active and lively waterfront, including requirements for active uses at certain locations that would serve as gateway entrances to the Canal; ensure continuity of public access at bridge crossings; relate the height of new buildings to the lower-scale neighboring context along upland frontages such as Bond Street; set back higher portions of buildings to ensure light and air to side streets and the Canal; and ensure access of light and air to inner courtyards and the Canal by staggering building heights and keeping street wall base heights low along the Canal and street frontages. Therefore, the Proposed Actions would promote this policy.

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

As described further in Chapter 5 "Open Space," the proposed WAP would encourage the development of waterfront open space. The WAP would include a set of rules and regulations to facilitate the creation of high quality public open space through future redevelopment along the waterfront. The Proposed Actions would also require the development and maintenance of publicly accessible open spaces at the Canal's edge as a condition of new residential or commercial development on sites adjacent to the Canal. The special rules would shape a built form that responds to the waterfront condition and adjacent context and promote a variety of built forms.

The Proposed Actions also include City Map changes to eliminate certain streets and street segments and map new streets. New mapped parkland would establish acres of open space along the Canal, and new mapped streets would provide access to new developments and venues for civic, economic, and public realm activities along active, mixed-use streets. Open spaces and public access areas will remain fully accessible during operational hours on a consistent basis. Therefore, the Proposed Actions would promote this policy.

Policy 8.3 Provide visual access to the waterfront where physically practical.

The WAP would establish the location of visual corridors to provide additional opportunities for visual access to the Canal. The WAP would encourage street end design that provides public access to the Canal and continuity across sites, and while supporting the provision of

new vantage points with visual access to the Canal. Therefore, it is concluded that the Proposed Actions would promote this policy.

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

The Proposed Actions would support the proposed development of the City-owned site on Block 471 with a mixed-use development to be known as Gowanus Green (or "Gowanus Green Development") by rezoning the site of the proposed development from M3-1 to M1-4/R7-2, and mapping new streets and parkland. The Gowanus Green Development would include affordable housing, commercial uses, community facility space, and new waterfront open space. The Proposed Actions include mapping portions of Block 471, Lots 1 and 100, as parkland to provide a major new neighborhood park for the proposed Gowanus Green Development. Therefore, the Proposed Actions would promote this policy.

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

The Proposed Actions and planned development of the Gowanus Green site would preserve the public interest by providing new affordable housing and new mapped parkland. New streets mapped on the City-owned site would further enhance public access goals, particularly to the community resources anticipated to be provided as part of the development, and to the Canal itself. The promotion of affordable housing development and public open space were goals identified through public outreach. Therefore, the Proposed Actions would promote this policy.

Policy 8.6 Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship

The Proposed Actions seek to support the community vision for a unique open space with a diversity of experiences along the Canal. The WAP would modify design standards for public access to address the unique character of the Canal. The WAP would modify the underlying standard Waterfront Public Access Area (WPAA) requirements to address the unique character of the Canal and support the overall goals identified through public outreach.

The WAP, in conjunction with the proposed zoning districts and GSD, would establish the location and dimensions of required shore public walkways, supplemental public access areas, upland connections, and visual corridors to ensure access to the Canal from surrounding neighborhoods and to address the varied lot configurations and conditions along the Canal's edge. The WAP would modify certain underlying WPAA requirements and standards for public access, including dimensional and grading requirements, permitted obstructions, and design standards for public access to allow and encourage unique design solutions for sites along the Canal. The WAP would supplement WPAA regulations wherever necessary to respond to the unique characteristics of the Gowanus Canal, such as by establishing elevations for the primary path to protect against daily tidal inundation and promote the design of flood-resilient esplanades. The WAP would ensure long-term continuity of public access across all sites along the Canal (including at street ends and bridge crossings) with maximum grade-change constraints. Therefore, the Proposed Actions would promote this policy.

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

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

See the response to Policies 8.1, 8.3, and 8.6. The WAP would establish visual corridors to provide additional opportunities for visual access to the Canal, and would modify design standards for public access to address the unique character of the Canal. The WAP would also establish upland connections at certain locations as an extension of the street grid, which would provide additional physical access to and views of the Canal. As discussed in Chapter 8, "Urban Design and Visual Resources," while buildings that would be constructed under the Proposed Actions would be taller than the existing building area, the bulk controls included as part of the zoning changes would ensure that new developments are compatible with existing and planned buildings. Bulk controls would also ensure sufficient flexibility where needed to promote a variety of new built forms. New developments under the Proposed Actions would be concentrated along major avenues and streets, preserving the low-rise character of the narrower cross streets. Contextual zoning envelopes would ensure that new development complements the existing scale by reinforcing the street wall.

The Proposed Actions would facilitate development that has base heights and building heights that respond to existing street widths and neighborhood contexts, and that transitions to built forms. Flexible building envelopes for Canal sites are proposed to encourage a range of building design outcomes that respond to the Canal's width and proposed open space. The special bulk and open space requirements support the creation of a unique and varied waterfront and built fabric. The proposed envelopes along the Canal would also address the varied lot configurations and conditions along the Canal's edge by tailoring zoning regulations to respond to these unique conditions.

The Proposed Actions would support a walkable mixed-use neighborhood, and would create new parks and open space to make the waterfront more accessible to the public. The creation of new streets would provide access to a new neighborhood park and the Canal's future waterfront esplanade and open space areas while maintaining visual consistency with the surrounding area. Therefore, the Proposed Actions would promote this policy.

Policy 9.2 Protect and enhance scenic values associated with natural resources.

See the response to Policy 9.1. As discussed further in Chapter 8, "Urban Design and Visual Resources," the Proposed Actions would protect and enhance the scenic value associated with the Gowanus Canal by facilitating the development of new waterfront open space, shore public walkways, supplemental public access areas, and upland connections. Visual corridors and new vantage points would provide additional opportunities for visual access to the Canal. The creation of new waterfront open space and esplanade areas, including landscaping, would enhance scenic values currently associated with the Canal by allowing improved public access. Therefore, the Proposed Actions would promote 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.

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

With respect to architectural resources in the Project Area and study area, such as the Carroll Street Bridge and Operator's House (New York City Landmarks [NYCL] and State and National Registers of Historic Places [S/NR]-Eligible), the Brooklyn Improvement Co. Office

(NYCL, S/NR-Eligible), the Brooklyn Rapid Transit (BRT) Central Power Station Engine House (NYCL, S/NR-Eligible), the Gowanus Canal Flushing Tunnel Pumping Station and Gate House (NYCL, S/NR-Eligible), and the former Somers Brothers Tinware Factory (NYCL, S/NR-Eligible), which are within 90 feet of projected development sites, the Proposed Actions would not alter the context of architectural resources, would not eliminate or substantially obstruct important public views of architectural resources, and would not introduce a new, incompatible element such that it would compromise or diminish the historical characteristics. Although the developments anticipated to occur with the Proposed Actions would somewhat alter the setting and visual context of certain architectural resources, such changes would not be significantly adverse.

The WAP would modify design requirements to allow for flexibility with programming and would not preclude the incorporation of public art and historic interpretive exhibits in the new waterfront esplanade. In addition, the Proposed Actions would include the creation of an authorization to modify the bulk envelope for sites seeking to redevelop while also preserving substantial, existing buildings. The authorization would allow for modifications to height and setback regulations to promote superior site design.

The Proposed Actions would also create new mechanisms that would promote the history of the Canal and encourage the preservation and adaptive reuse of existing buildings, which may include historic buildings. Therefore, the Proposed Actions would promote this policy.

Policy 10.2 Protect and preserve archaeological resources and artifacts.

The projected and potential development sites may be archaeologically sensitive for resources associated with the Gowanus Canal bulkhead and associated landfill; 19th century shaft features; and/or evidence associated with milling or agricultural activities between the 17th and 19th centuries. The New York City Landmarks Preservation Commission (LPC) conducted an initial review of the potential and projected development sites and determined that a number of sites possess potential archaeological significance. A Phase 1A Archaeological Documentary Study was prepared in August 2019 and identified all or portions of 46 potential and projected development sites as archaeologically sensitive. The Phase 1A Study recommended additional archaeological analysis for certain sites, including archaeological monitoring, a geomorphological assessment, and the preparation of an Unanticipated Human Remains Discoveries Plan, in addition to continued consultation with LPC.

Of the 46 development sites that are archaeologically sensitive, mitigation would be implemented at Projected Development Site 47 (Gowanus Green Site). Site 47, the largest of the projected development sites with the most linear frontage along the Canal, is under City ownership, and any future development would be subject to disposition approval and development in accordance with provisions in the Land Disposition Agreement between the City of New York, acting through HPD, and the developer. There is no mechanism to require additional archaeological analysis, or any other type of mitigation, on the 45 sites under private ownership. Should any of the 45 sites under private ownership be the subject of future discretionary approvals subject to CEQR, mitigation measures may be imposed in connection with a future environmental review. The Land Disposition Agreement with respect to Site 47 would be a binding mechanism that would ensure mitigation is implemented prior to the commencement of ground disturbing activities and site redevelopment. Therefore, with the implementation of these measures, the Proposed Actions would promote this policy. ✷

ownership. Should any of the 45 sites under private ownership be the subject of future discretionary approvals subject to CEQR, mitigation measures may be imposed in connection with a future environmental review. The Land Disposition Agreement with respect to Site 47 would be a binding mechanism that would ensure mitigation is implemented prior to the commencement of ground disturbing activities and site redevelopment. Therefore, with the implementation of these measures, the Proposed Actions would promote this policy. ✷