

A. PROJECT IDENTIFICATION

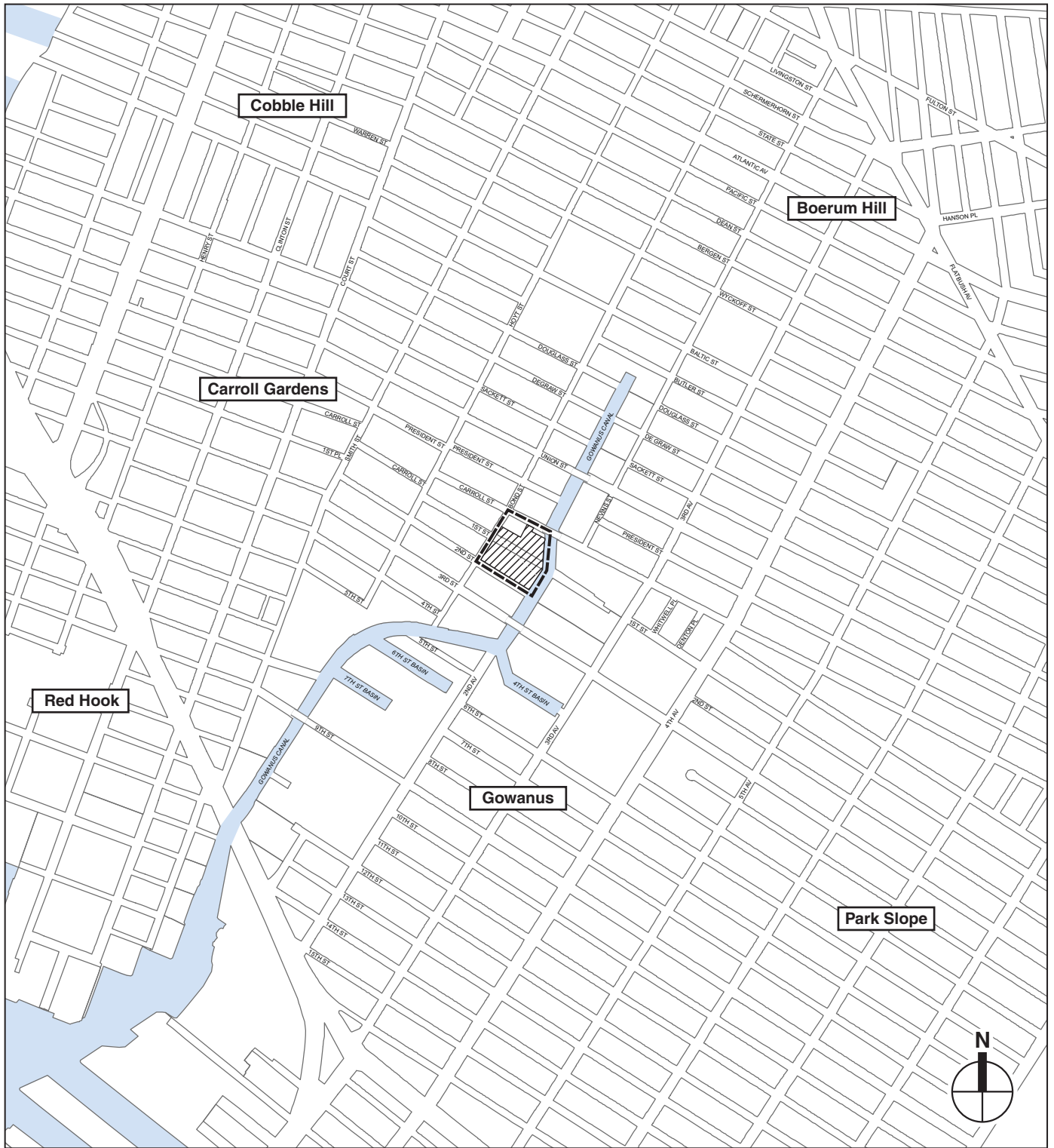
Toll Brothers, Inc., (“the applicant”), is seeking discretionary City and State actions in connection with the redevelopment of two blocks located along the west waterfront of the Gowanus Canal in the Gowanus neighborhood of Brooklyn Community District 6. The proposed actions would facilitate a proposal by the applicant to redevelop the parcels with a mix of residential (market rate and affordable), commercial, community facility, and open space uses.

The proposed actions include a zoning text amendment to Zoning Resolution (ZR) sections 123-63 and 123-90 and a related zoning map amendment to change an existing M2-1 zoning district to a Special Mixed Use District M1-4/R7-2 (MX). The area of the proposed rezoning is bounded by the midpoints of Carroll Street to the north, Bond Street to the west, 2nd Street to the south, and the Gowanus Canal to the east. If the proposed rezoning is approved it would allow redevelopment of the project site which encompasses Brooklyn Tax Block 452 (Lots 1 and 15) and Tax Block 458 (Lot 1) (see Figures 1-1 and 1-2). Two City-owned parcels on Block 452 (lots 5 and 19), one of which is occupied by an Emergency Medical Services (EMS) facility and the other of which is infrastructure associated with the historic Carroll Street Bridge (Operators House), are not part of the project site that the applicant seeks to redevelop, but are included in the area to be rezoned. Although the text amendment would apply to the entire rezoning area, no new development is expected to occur on these City-owned properties as a result of the proposed actions.

In addition, as part of the proposed actions, sections 23-144, 23-922 and 23-942 of the ZR would be amended to apply the Inclusionary Housing Program and related floor area regulations to R7-2 zoning districts within the proposed special mixed use district, and to provide for a base FAR of 2.7 and a maximum FAR of 3.6 on narrow streets within the special district. These amendments would add R7-2 districts within Community District 6 in Brooklyn to the list of residential districts in which the Inclusionary Housing Program would be applicable within certain designated areas, and would add the proposed Special Mixed-Use District (specified geographically), as one of the Inclusionary Housing designated districts. The proposed zoning text amendments are included in their entirety in Appendix G.

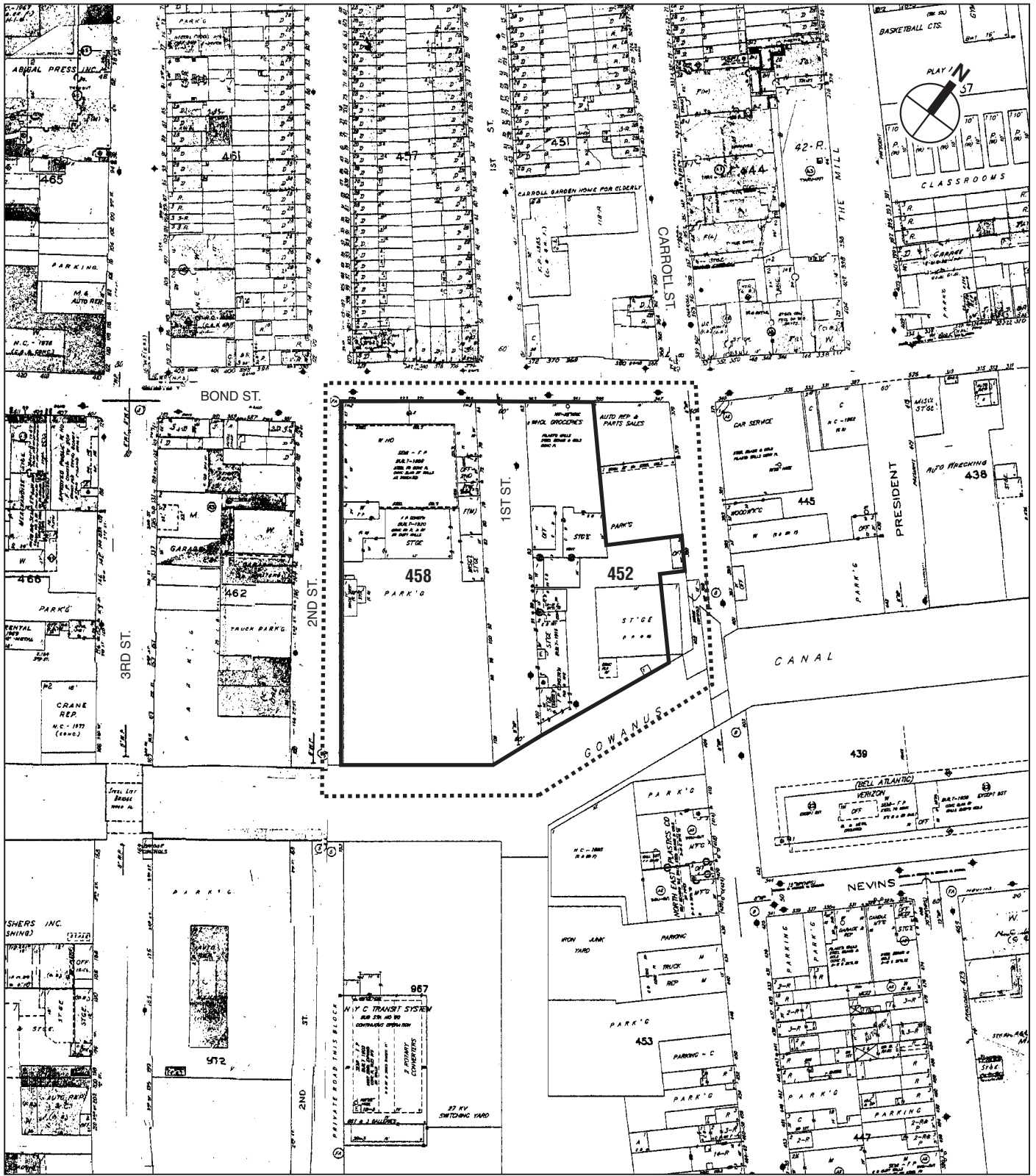
Finally, the applicant is seeking a special permit pursuant to ZR section 74-743 to modify the following requirements within a General Large Scale Development: (i) height and setback regulations in Special Mixed Use Districts pursuant to ZR section 123-662; (ii) inner courtyard recess regulations pursuant to ZR section 23-852; and (iii) required rear yards in residential and mixed use districts pursuant to ZR sections 23-45 and 123-651.

Discretionary approvals from State and federal agencies, including the New York State Department of Environmental Conservation (DEC), and U.S. Army Corps of Engineers (ACOE) will also be required, since the project proposes new stormwater outfalls to the Gowanus Canal, the installation of a new sheet-pile bulkhead along the canal, and possible dewatering during construction.



-  Project Site
-  Rezoning Area





— Project Site Boundary
 Rezoning Area Boundary

0 200 FEET
 SCALE

363-365 BOND STREET Project Blocks Figure 1-2

The applicant shall record a Restrictive Declaration that will limit development of the project site in a manner which is substantially in accordance with the plans which are to be voted on by the City Planning Commission pursuant to the Uniform Land Use Review Procedure (ULURP). The Restrictive Declaration will also provide for the implementation of specific conditions with respect to historic resources, and the implementation of the requisite mitigation measures. In addition, measures related to the remediation of hazardous materials on the site would be implemented in accordance with a Department of Environmental Protection (DEP)-approved Restrictive Declaration for the project site. With these measures in place, significant, adverse impacts related to hazardous materials would be avoided during and post construction.

In addition, to ensure that the development would not result in any significant air quality impacts from HVAC emissions, an (E) designation would be provided as part of the proposed zoning. The text of the (E) designation would be as follows:

Tax Block 452, Tax Lots 1, 15: Any new development must use natural gas as the type of fuel for HVAC systems. Boiler exhaust stack(s) for all development shall be located on the highest tier of each building.

Tax Block 458, Lot 1: Any new development must use natural gas as the type of fuel for HVAC systems. Boiler exhaust stack(s) for all development shall be located on the highest tier of each building.

With these restrictions in place, no significant adverse air quality impacts would result from the proposed project's HVAC systems. See Chapter 18, "Air Quality."

The project site, which totals about three acres (excluding streets), is currently occupied by warehouses, open vehicle storage, and vacant land and buildings. The applicant would redevelop this waterfront property with a predominantly residential development that would include market-rate and affordable housing with community facility and commercial space and accessory parking. In addition, the proposed project would provide approximately 0.7 acres of publicly-accessible waterfront open space on the Gowanus Canal along the entire project waterfront from 2nd Street on the south to Carroll Street on the north.

Under the proposed Special Mixed-Use District, the rezoning area would have a maximum floor area ratio (FAR) of 3.6 with the provision of inclusion of 20 percent of the residential floor area as affordable housing for low-income households. This would allow a development program on the project site that would contain approximately 447 dwelling units, including approximately 130 units affordable to households of low income, approximately 2,000 gross square feet (gsf) of community facility space, approximately 2,000 gsf of commercial space (providing local goods and services demands), and approximately 268 accessory parking spaces. The total size of the proposed project would be approximately 525,309 zoning square feet (zsf).

If the proposed actions are approved, it is expected that the proposed project would be completed in 2011.

B. DEVELOPMENT GOALS AND OBJECTIVES

The applicant is applying to CPC for discretionary actions that would allow for the redevelopment of a former waterfront industrial site along the Gowanus Canal with residential and other uses and a publicly-accessible waterfront open space. The proposed project would be a privately sponsored redevelopment project on the Gowanus Canal waterfront.

The project site, which is currently zoned for manufacturing use, comprises about three acres of mostly vacant or underutilized land that does not provide public access to the waterfront. The proposed project would redevelop this underutilized land with productive residential, community facility and commercial uses compatible with the surrounding area, including substantial publicly-accessible waterfront open space between Carroll and 2nd Streets. The site layout and building configuration would be controlled through the proposed General Large-Scale Development (GLSD) special permit (see the discussion below). In addition, the mix of housing types would allow market-rate development while providing on-site affordable housing. The mix of uses would include on-site commercial (providing convenience goods and services within a short walking distance for local residents), and on-site community facility space (which the applicant expects will be occupied by the Gowanus Dredgers for equipment storage and community education). These uses would support the site’s waterfront location, attract local residents to the site’s proposed 0.7 acres of publicly-accessible waterfront open space and provide a recreational and aesthetic benefit for future project residents.

C. DESCRIPTION OF THE PROPOSED REZONING AREA AND PROJECT SITE

The area of the proposed rezoning is bounded by the midpoints of Carroll Street to the north, Bond Street to the west, 2nd Street to the south, and the Gowanus Canal to the east. The proposed rezoning area includes the project site and the two City-owned outparcels. The outparcels contain a City EMS facility and the Operator’s House associated with the Carroll Street Bridge.

The project site encompasses Brooklyn Tax Block 452 (Lots 1 and 15) and Tax Block 458 (Lot 1) (see Figure 1-2). The two blocks of the project site have a combined lot area of approximately 146,000 square feet and approximately 280 linear feet of frontage along Bond Street (excluding the bed of 1st Street), 48 linear feet of frontage along Carroll Street, 430 linear feet of frontage along 2nd Street, 470 linear feet of frontage along the south side of 1st Street, 438 linear feet of frontage along the north side of 1st Street, and 460 linear feet of frontage along the Gowanus Canal.

The two project blocks are currently zoned M2-1 (see Figure 1-3). The existing M2-1 zoning district is a medium-density manufacturing district. It allows industrial uses at a maximum FAR of 2.0 and includes performance standards; it does not allow residential use.

As shown in Table 1-1, current uses on the project site include warehousing, open vehicle storage, and vacant buildings. Existing buildings in the rezoning area and on the project site are primarily one- and two-story warehousing/industrial structures. The residential neighborhood of Carroll Gardens is directly to the west of the project site (across Bond Street). To the north and south and along the east side of the Gowanus Canal, land uses are similar to those on the project site, with active and vacant industrial and mixed non-residential uses.

**Table 1-1
Project Site Current Uses**

Block	Zoning Lot (sf)	Current Built square footage (gsf)	Stories	Current Uses	Estimated No. Employees
458	89,600	43,000 gsf (one building)	1	Storage/warehousing, truck parking/storage, surface parking	10
452	56,400	46,000 (seven buildings)	1-3	Garment warehouse/distribution,	10

Source: AKRF field survey, January 2008.

D. PROPOSED ACTIONS

NEW YORK CITY PLANNING COMMISSION APPROVALS

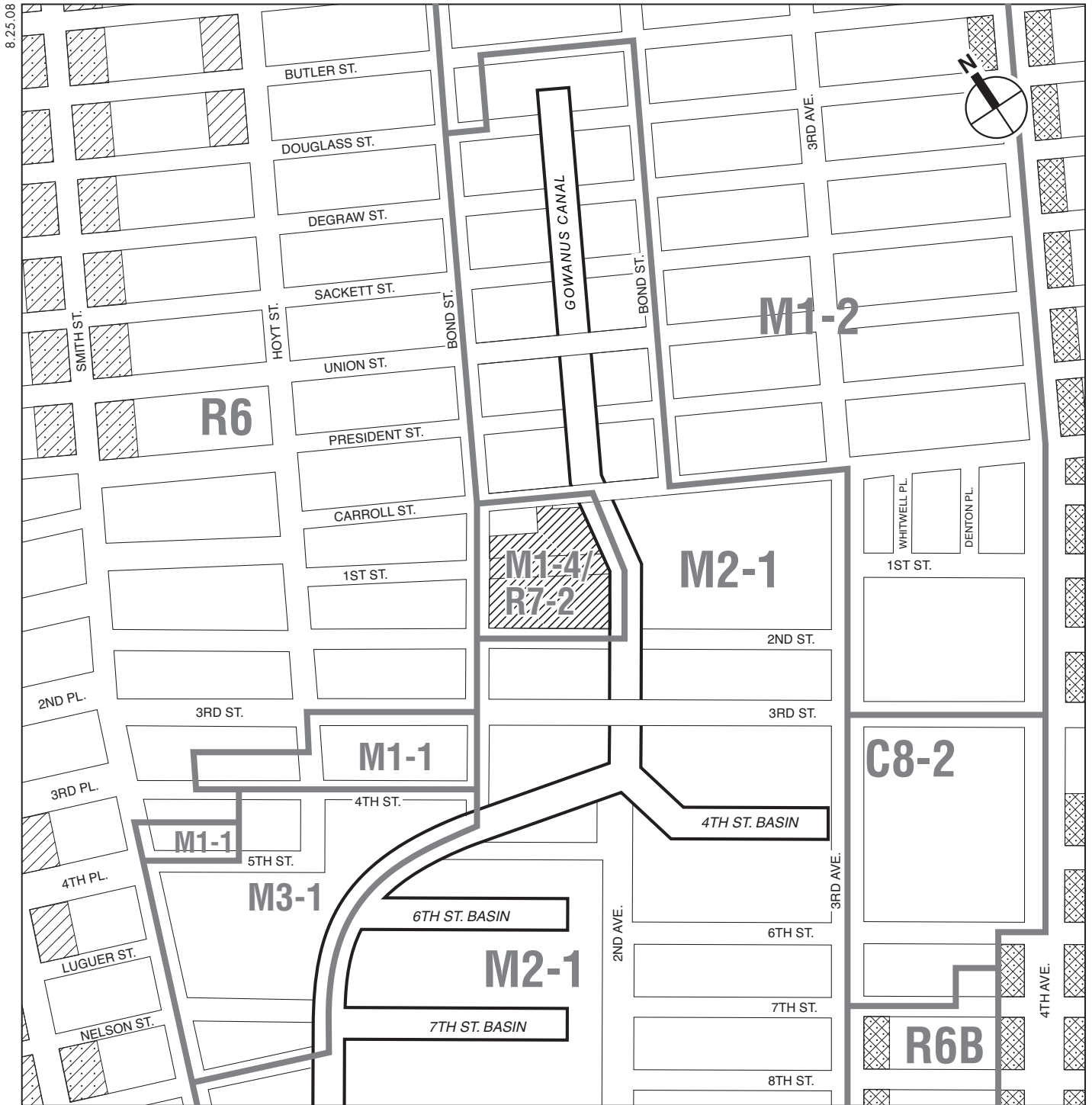
In order for the proposed project to be developed, New York City Planning Commission (CPC) approval of the following discretionary actions is required:

- Zoning text amendment to:
 - Sections 123-63 and 123-90 to establish a Special Mixed-Use (MX) District in Gowanus;
 - Sections 23-144, 23-922, and 23-942 to apply the Inclusionary Housing Program to specified R7-2 districts;
 - Section 23-942 to apply standard height and setback regulations of MX districts to developments utilizing the Inclusionary Housing Program in certain non-contextual MX districts;
- Amendment to the zoning map changing from an M2-1 district to an M1-4/R7-2 Special Mixed-Use District;
- Special permit pursuant to Section 74-743 to modify bulk regulations for height and setback (Section 123-662), inner court recesses (Section 23-852), and yards (Sections 23-45 and 123-651) in a general large-scale development.

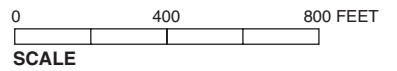
To facilitate the redevelopment of the project site as proposed, the applicant is seeking zoning text amendments to Sections 123-63 and 123-90 of the Zoning Resolution. These text amendments (and related zoning map amendments) would establish a new mixed-use district that would appropriately reflect the uses proposed for the project, and reflect the mixed-use character of the surrounding neighborhood. As described above, the two project blocks are currently zoned M2-1. The proposed zoning district, Special Mixed-Use District M1-4/R7-2 (MX), would be mapped over the two-block area and allow a maximum floor-area ratio (FAR) of 3.6 (see Figure 1-4) for projects providing affordable housing. The proposed project site is entirely bounded by narrow streets, and thus the 2.7/3.6 FAR applies. R7-2 districts allow residential use at a maximum FAR of 3.4 and community facility uses at a maximum FAR of 6.5. The proposed M1-4 district is a manufacturing district that allows light industrial and certain commercial uses at a maximum FAR of 2.0.

As mentioned above, the two blocks of the project site have a combined lot area of approximately 146,000 square feet. The allowable zoning floor area (zfa) for the project site under the proposed rezoning would be approximately 525,309 zsf. This allowable floor area would be split between the two project blocks, with approximately 202,744 zsf on Block 452 (the northern block, proposed as 363 Bond Street) and approximately 322,565 zsf on Block 458 (the southern block, proposed as 365 Bond Street). The proposed zoning would allow the EMS facility and the Operator's House (located within the area to be rezoned, but not within the area to be redeveloped) to remain within the rezoning area as conforming uses.

To facilitate the development of affordable housing on the site, the applicant is proposing amendments to sections 23-144, 23-922 and 23-942 of the Zoning Resolution to apply the Inclusionary Housing program and related floor area regulations to R7-2 zoning districts within the proposed special mixed use district. These amendments would add R7-2 districts within Community District 6 in Brooklyn to the list of residential districts in which the Inclusionary Housing Program would be applicable within certain designated areas, and would add the



- Project Site
- Zoning District Boundary
- C1-1 Overlay
- C2-1 Overlay
- C2-2 Overlay



proposed Special Mixed-Use District (specified geographically), as one of the Inclusionary Housing designated districts. This would provide for a base FAR of 2.7 and a maximum FAR of 3.6 within the special mixed use district. Utilizing the bonus in FAR from 2.7 to 3.6, the proposed project would create approximately 447 new dwelling units, up to 130 of which would be permanently affordable for low-income households. Under the proposed project, consistent with City requirements, low-income households are defined as earning up to 80 percent of U.S. Department of Housing and Urban Development (HUD) income limits.

Since the proposed project seeks to participate in the Inclusionary Housing Program within special mixed use districts, the height and setback requirements of section 23-942 (b) (2) would apply to the development. The applicant proposes text amendments that would allow the development of the proposed market rate buildings to comply with the usual MX height and setback regulations within Section 123-662 for R7-2 districts mapped within special mixed-use districts. These would include a maximum base height of 60 feet, setbacks of 10 feet on a wide street and 15 feet on a narrow street, and a maximum building height of 135 feet.

A special permit to facilitate construction of the proposed buildings that do not strictly comply with the height and setback regulations contained within Sections 123-662, 23-852, 23-45 and 123-651 of the Zoning Resolution, will also be required, as follows:

- Section 123-662 ZR sets a maximum base height of 60 feet and maximum building height of 135 feet in R7-2 districts mapped within special mixed use districts. The buildings on the eastern portion of the site are proposed to have a maximum building height of 125 feet, 10 feet below the maximum permitted building height. However, the proposed base heights on the eastern street frontages of both Block 452 and Block 458 fronting on First Street and on Second Street are proposed to be 65 feet above the modified base plane, exceeding by 5 feet the maximum permitted base height within and R7-2 district (Section 123-662 ZR). The portions of the street walls for which a waiver is requested are 148.5 feet in length on Block 452 and 147.5 feet on the First Street frontage and 145 feet on the on the Second Street frontage of Block 458. The proposed maximum base height within these portions is 65 feet above the base plane. This waiver is requested to: (i) provide for a sufficient first story floor-to floor height; (ii) reflect the modification in street grade proposed as part of the proposed project in order to raise all residential portions of the proposed project's buildings approximately 1 foot above the base flood elevation; and (iii) better reflect the existing built context and provide for superior urban design.
- Inner court recesses must provide a minimum width to depth ratio of 2:1, pursuant to Section 23-852. However, in order to maximize the area of landscaped passive recreation area within each courtyard, one inner court recess with a width to depth ratio of 1:1 in each court is proposed. The proposed waiver will help to provide a superior residential amenity for the residents of the project.
- Sections 23-45 and 123-651 require a minimum 30-foot deep rear yard for residential buildings unless they are corner lots or if the zoning lot comprises the entire block. Through lots are permitted to provide rear yard equivalents. Thus, there is no rear yard requirement for the proposed buildings on Block 458, as it comprises an entire City block. However, the development site on Block 452 is comprised of a corner lot, a through lot and two interior lots. One of the interior lots (the eastern-most lot on this block) would not provide the required 30 foot rear yard due to the unusual block configuration caused by the City-owned parcel containing the Bridge Operator's house and yard for the Carroll Street Bridge. Instead, a minimum 40-foot yard would be provided along the entire canal side.

OTHER CITY, STATE, AND FEDERAL APPROVALS

In addition to discretionary approvals from CPC, design approvals would be required from other City agencies, including DEP and the New York City Department of Transportation (NYCDOT). The New York City Department of Parks and Recreation (DPR) will also review and approve the open space design, layout, and furnishings.

Discretionary approvals from State and federal agencies, including DEC, and ACOE will also be required, since the project proposes the installation of a new sheet-pile bulkhead. The design, location and elevation of the proposed bulkhead are subject to the approval of DEC and ACOE. In addition, since the project proposes new outfalls to the Gowanus Canal (from 1st and 2nd Streets), and possible dewatering during construction, permits at the state level are expected to include tidal wetlands (if any bulkhead work is in water shallower than six feet), protection of waters, Long Island well permit (dewatering only), and a State Pollutant Discharge Elimination System (SPDES) permit for dewatering, construction (i.e., a stormwater pollution prevention plan [SWPPP] during construction and a stormwater outfall discharge from 1st and 2nd Streets).

When permits and approvals are required from State and federal agencies, these agencies are defined as involved agencies under City Environmental Quality Review (CEQR)/the State Environmental Quality Review Act (SEQRA). Therefore, as the lead agency, the New York City Department of City Planning (DCP) will provide a coordinated review of this environmental impact statement (EIS) with the other involved agencies for the purposes of documenting consistent findings among the decision-making agencies.

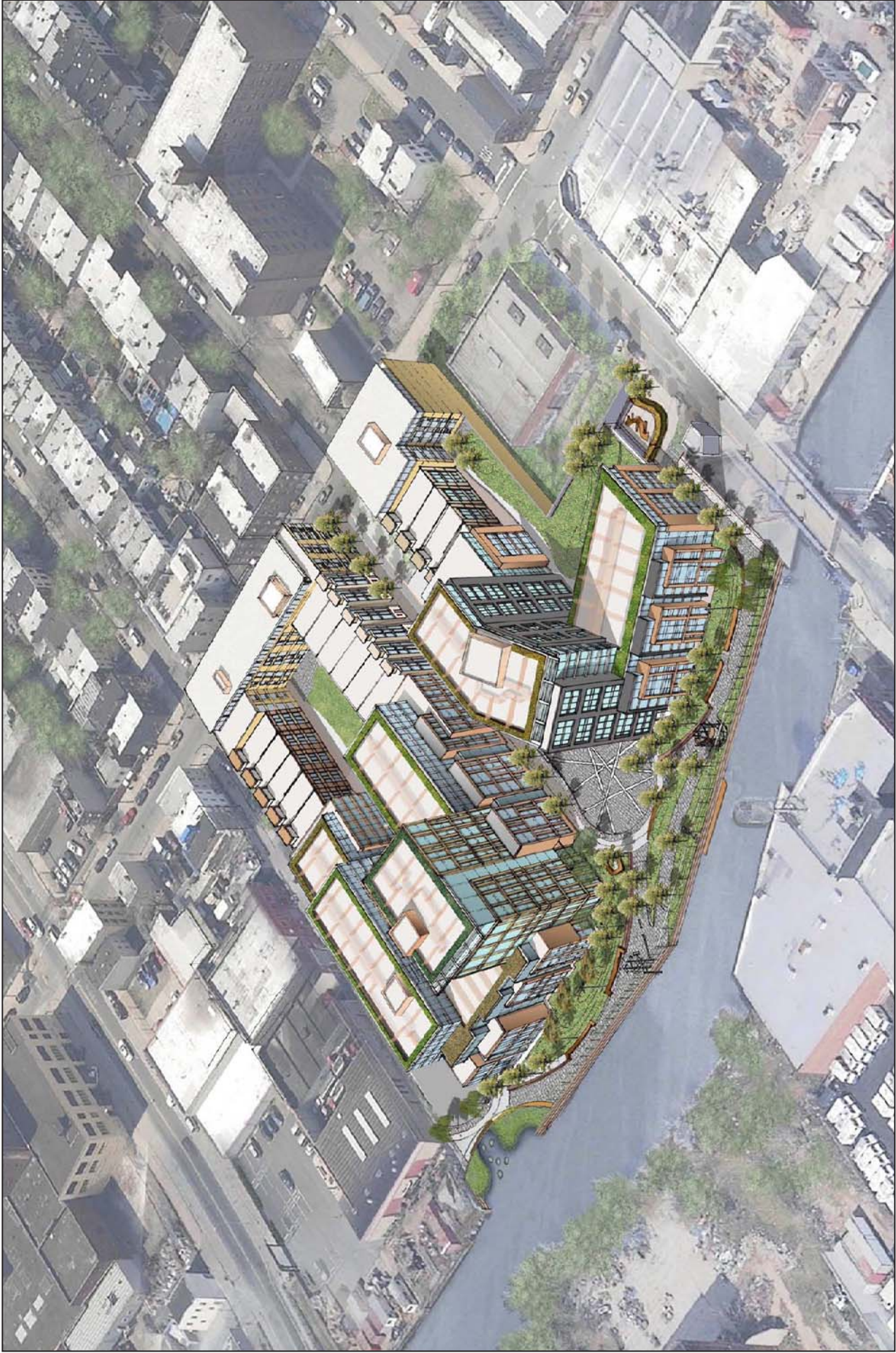
E. PROPOSED DEVELOPMENT PROGRAM

PROPOSED USES AND BUILDING CONFIGURATIONS

The proposed actions would facilitate a proposal by the applicant to redevelop the entire site as proposed, with the new buildings and open space. The development program would result in a total of 602,603 gross square feet (gsf) including residential uses, community facility space, commercial space, and accessory parking.

The proposed project would include three new building types on each block (see Figures 1-5 through 1-10). The range of building heights would be from 4 to 12 stories (up to approximately 125 feet) with three principal design elements: (1) low-rise building components of approximately 60 feet (6 stories) fronting on Bond Street; (2) low-rise “townhouse” components of approximately 43 feet (4 stories) along the midblocks of 1st and 2nd Streets; and (3) low to mid-rise building components of 5 to 12 stories (up to 125 feet maximum) facing the waterfront open space. Each block would have an enclosed accessory parking garage for the use of its residents that would be located on the ground floor of the buildings (see Figure 1-7). Table 1-2 and Figure 1-8 present the approximate land coverage that would result on the project site with the proposed development.

The residential component of the project would provide a total of 447 dwelling units, up to 130 of which would be reserved for low-income residents. Approximately 268 accessory parking spaces would be provided in two garages located on the ground floor of each block. As shown on the ground floor plan (Figure 1-7), the commercial space, totaling about 2,000 square feet, would be located along the south side of 1st Street. The applicant intends to locate a commercial use, such as a local deli or other such business providing local goods and services, in this space. The community facility space, also totaling about 2,000 square feet, would be located along the north side of 2nd Street. The applicant intends to provide this space to the Gowanus Dredgers (a



NOTE: For Illustrative Purposes Only

Aerial View
Figure 1-5

363-365 BOND STREET



- Rezoning Area Boundary
- - - Project Site Boundary (Coterminous with GLSD Boundary)

NOTE:

- Courtyard landscape shown for illustrative purposes only.
- Shoreline condition and bulkhead location may vary as required by N.Y.S. Department of Environmental Conservation and the U.S. Army Corps. of Engineers.

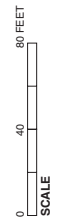
Proposed Site Plan
Figure 1-6

363-365 BOND STREET



- Rezoning Area Boundary
- - - Project Site Boundary (Coincides with GLSD Boundary)
- Residential
- Community Facility
- Parking
- Commercial
- Open Space

NOTE:
 - Interior partition walls shown for illustrative purposes only.
 - Shoreline condition and bulkhead location may vary as required by N.Y.S. Department of Environmental Conservation and the U.S. Army Corps. of Engineers.



Proposed Ground Floor Plan
Figure 1-7

363-365 BOND STREET

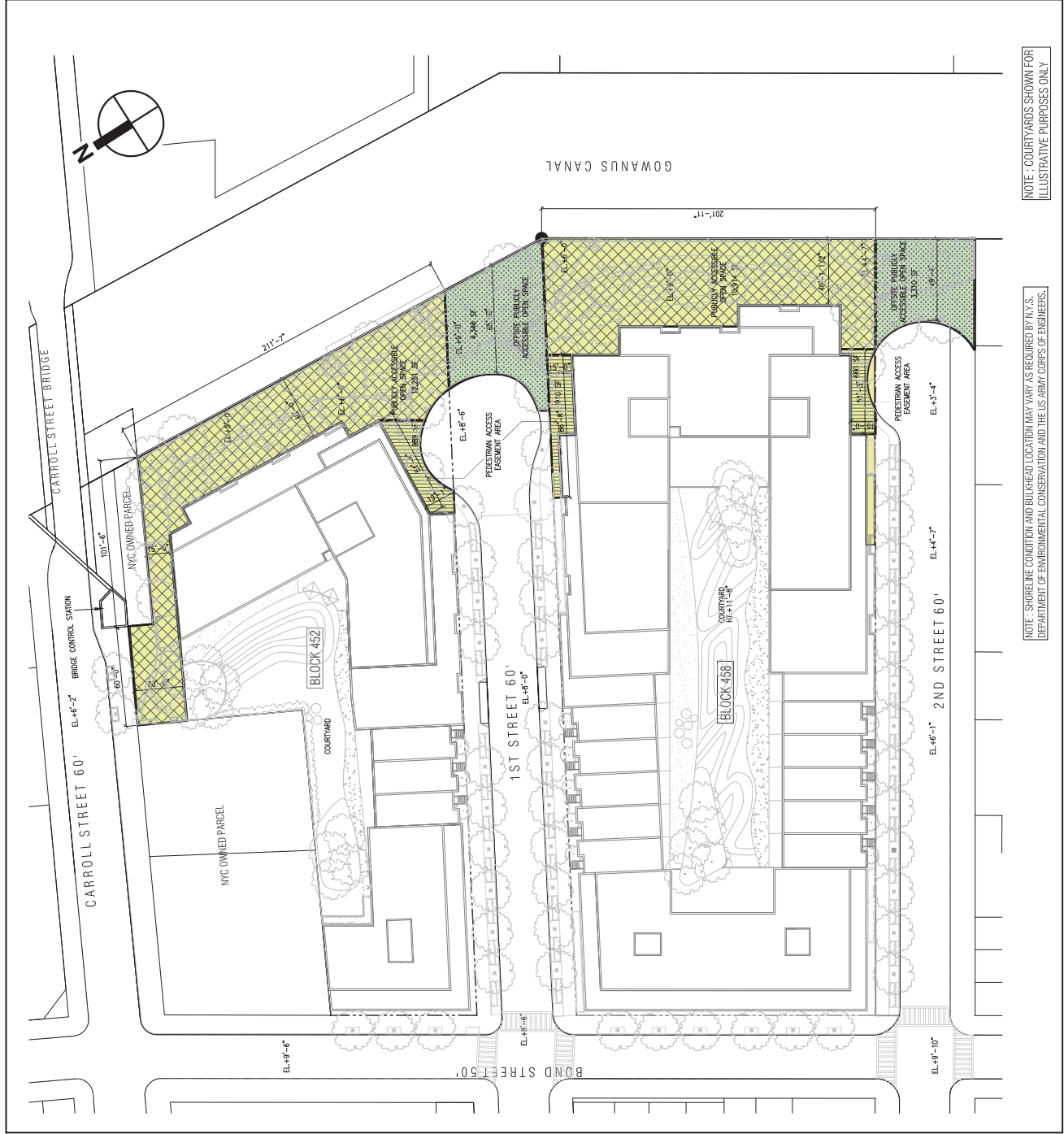
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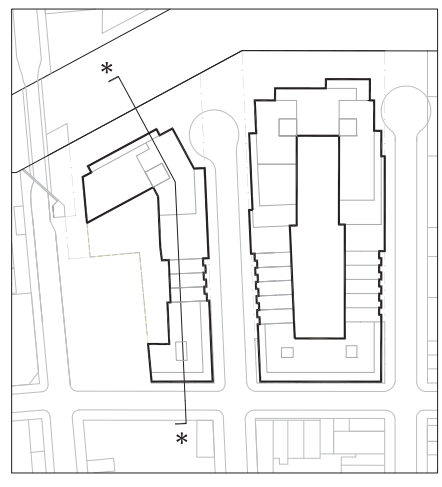
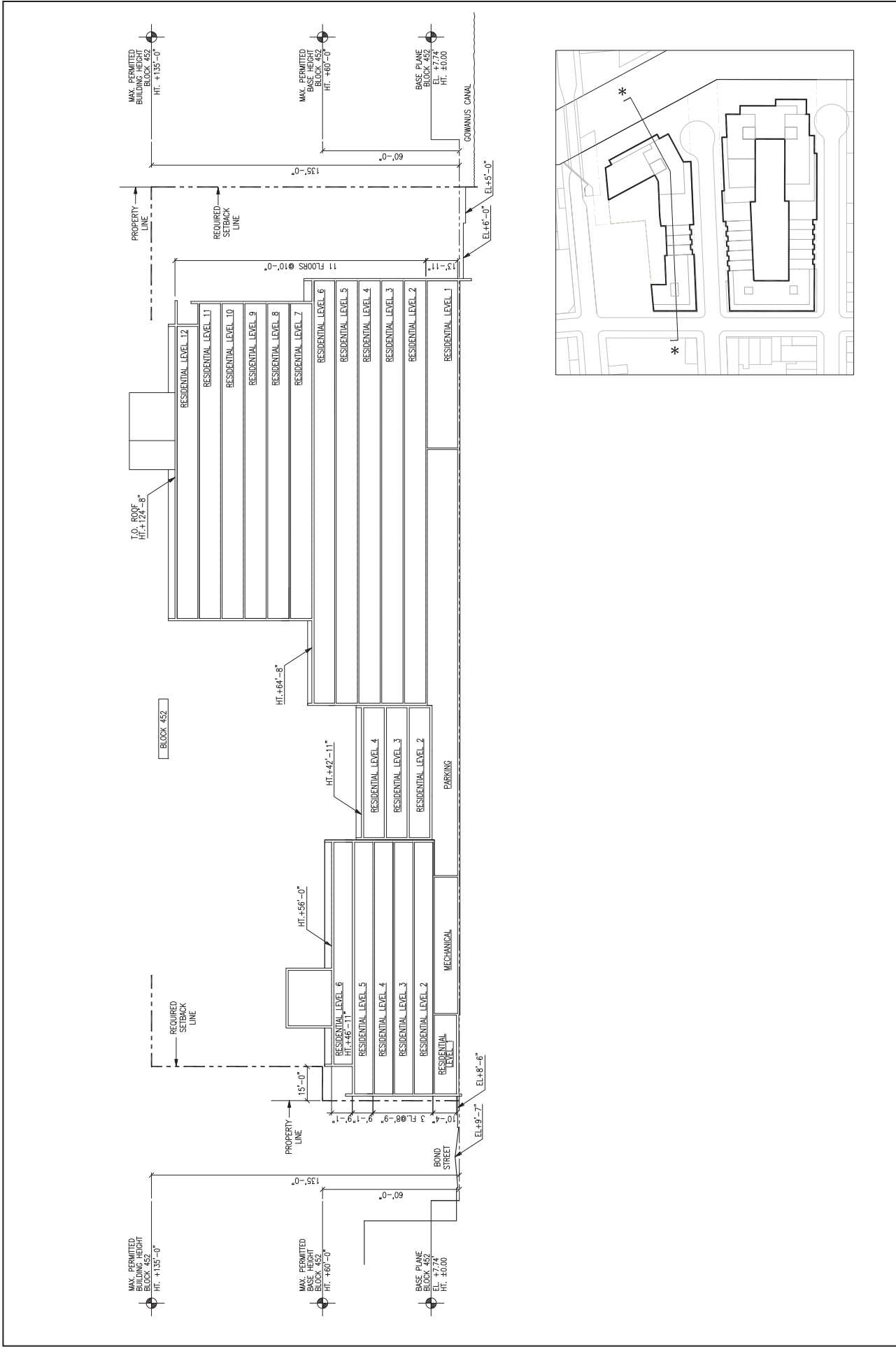
NOTE: For Illustrative Purposes Only

Proposed Land Coverage
Figure 1-8

363-365 BOND STREET



Source: Greenberg Farrow; Lee Weiraub Landscape Architecture, LLC



Proposed Building Section (Block 452)
Figure 1-10

local canoe and kayaking club), for equipment storage and community education. Under the proposed project, the access point to the canal (at the end of 2nd Street) that is currently used by the Gowanus Dredgers would remain, and would be incorporated into the new landscaped open space proposed for the end of 2nd Street. All parking would be located within the project site and would be wrapped by active ground floor uses: residences and residential lobbies, residential amenity space, and community facility use, and local retail use.

Table 1-2
Proposed Development Approximate Land Coverage (Excluding Streets)

Project Element	Lot Coverage (square feet)	Percent of Project Site
Publicly-Accessible Open Space	23,165	16
Private Open Space	30,660	21
Pedestrian Access Easements	2, 559	2
4 story Building Elements (Townhouse-style buildings)	14, 715	10
5-6 story Building Elements	44,900	31
7-8 story Building Elements	16,265	11
11-12 story Building Elements	13,685	9
Total	145,949	100%

In addition to the proposed new buildings, as shown on the open space plan in Figure 1-9, the proposed project would include a continuous, privately owned, publicly-accessible open space of approximately 23,165 square feet (about 0.5 acres) along the Gowanus Canal. In addition, approximately 7,656 square feet of landscaped open space at the street ends of 1st and 2nd Street would be provided, for a total of 30,821 (about 0.7 acres) of publicly-accessible open space extending from Carroll Street on the north to 2nd Street on the south (as described below). Three pedestrian access easement areas totaling 2,559 square feet would also be provided on the project site along the cul-de-sacs at the street ends.

Principal pedestrian access to the proposed residential units would be from 1st Street and the corner of Bond and 1st Streets for both buildings. Vehicular access to the proposed accessory parking garages would be from 1st Street for both blocks.

The majority of the project site is mapped within a 100-year flood hazard zone. All buildings on the project site would exceed both Federal Emergency Management Agency (FEMA) and New York City Building Code requirements regulating construction within flood hazard areas. The applicant proposes to raise the elevations of portions of the project site to reduce the potential for flood damage or impacts on the proposed residential units. The lowest occupied floor elevation would be constructed in excess of one foot above the 100-year base flood elevation. The site grade would then slope to match existing street grades along Carroll, Bond, and 2nd Streets. Street ends would also be designed in accordance with all City regulations, including those of the New York City Fire Department (FDNY) (see also the discussion under “Proposed Site and Infrastructure Improvements”).

PROPOSED OPEN SPACES

PUBLICLY ACCESSIBLE OPEN SPACE

As shown on the open space plan (Figure 1-9), the proposed project would landscape and improve the entire waterfront along the eastern project site boundary for the purposes of providing public access from the south end of 2nd Street north to a connection with Carroll Street. Thus, the proposed project would improve and link the street ends of 1st and 2nd Streets with publicly-accessible waterfront open space at the two project blocks, approximately 600 linear feet long and a minimum of 40 feet wide.

In area, the proposed project would provide approximately 30,821 sf (about 0.7 acres) of publicly-accessible open space along the Gowanus Canal waterfront (approximately 23,165 sf of privately owned, publicly-accessible open space along the eastern border of the project site, connected seamlessly to approximately 7,656 sf of public open space at the street ends of 1st and 2nd Streets). This open space would provide views along the waterfront as well as opening up new views of the historic Carroll Street Bridge, and would be landscaped with benches and other amenities for the purpose of providing publicly-accessible open space along this stretch of the Gowanus Canal waterfront. The proposed publicly-accessible open space would include planting areas, shade-providing trees, seating, lighting, pedestrian paths (which would be available for jogging and inline skating), a dog run, and other architectural features yet to be designed (see Figures 1-11a and 1-11b and 1-11c). A tidal wetland area would be created in the vicinity of the end of Second Street. As mentioned above, DPR will also review and approve the open space design, layout, and furnishings. Development on the site will be controlled pursuant to the special permit to substantially comply with the approved plans which will include the publicly accessible open space. The privately owned, publicly-accessible open space will be constructed, landscaped and maintained pursuant to a Restrictive Declaration that will be recorded for the project site, according to the approved plans. The open space would be managed and maintained by the proposed buildings' homeowner's associations. The hours of access are anticipated to be similar to those of City parks. Entrances to the open space would be at three locations, one at the north end (Carroll Street), one at the south end, (2nd Street) and another at the end of 1st Street.

As part of the design of the waterfront open space, the applicant intends to include industrial materials that are evocative of a particular place and time in the history of the development of the canal. This would also include a narrative ribbon that would thread through the handrails, telling the story of the Gowanus Canal, industrial Brooklyn and the legacy of environmental changes.

While the proposed paving materials on public streets are not subject to CPC approval, if possible, the applicant has stated that it would seek to either reuse the Belgian block from the pavement on the south sidewalk at the end of 1st Street and on the sidewalks and street at the end of 2nd Street (which is owned by the City of New York) on the project site's streetscape or would encourage its salvage and reuse in another location.

In addition, the proposed project would landscape the end of 2nd Street and as part of that design would incorporate the existing access point to the water that is currently used by the Gowanus Dredgers. As described above, the proposed project would include community facility space that would be made available to the Gowanus Dredgers for equipment storage and community education.



Existing



Proposed

NOTE: For Illustrative Purposes Only

Proposed Waterfront Open Space
(View North)
Figure 1-11a



Existing



Proposed

NOTE: For Illustrative Purposes Only

Proposed Waterfront Open Space
(View South)
Figure 1-11b



Existing



Proposed

NOTE: For Illustrative Purposes Only

Carroll Street Bridge in Open Position,
Looking West to Project Site
Figure 1-11c

PRIVATE OPEN SPACES

In accordance with the City’s Quality Housing provisions, the proposed project would also provide private courtyards within each building. Therefore, an approximately 11,600-square-foot courtyard would be provided in the 363 Bond Street building, and an approximately 19,000-square-foot courtyard would be provided in the 365 Bond Street building. Both open spaces, currently un-designed, would provide outdoor recreational space for project residents.

PROPOSED SITE AND INFRASTRUCTURE IMPROVEMENTS

As stated above, in order to ensure that the proposed buildings would be above the 100-year floodplain, the project site would be graded to raise the base elevation above the local floodplain. All parking and occupiable space would then be constructed one foot above this base grade elevation.

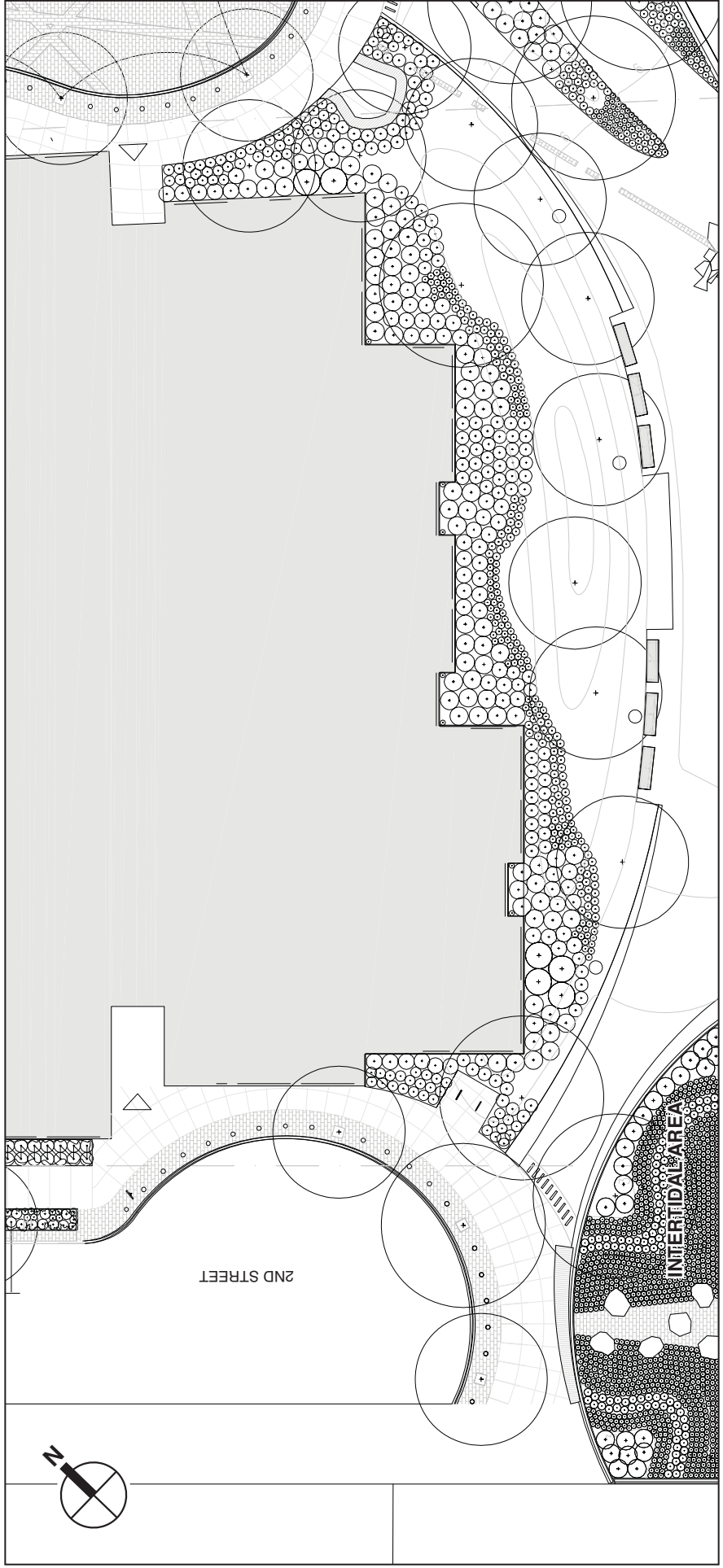
In addition, with respect to site drainage and infrastructure, currently, all of the project site’s sanitary flow and a portion of the site’s stormwater flow from rooftops (described in greater detail in Chapter 13 “Infrastructure”) is conveyed to the Red Hook Water Pollution Control Plant (WPCP) via the combined sewer in Bond Street. The proposed project would eliminate site-generated stormwater flow from discharging to the combined sewer by installing new separate storm sewers in both 1st and 2nd Streets, with new stormwater outfalls to the Gowanus Canal. These new storm sewers would be designed in accordance with DEP standards. This separation of stormwater would remove the project site’s stormwater from the local combined sewer system. The proposed project would also install new catch basins on the east side of the intersection of Bond and 1st Streets, thereby improving local drainage conditions. Stormwater from the project blocks would also be treated through the use of hydrodynamic separators that would remove grease, solid and floatables prior to discharge into the canal. The proposed project would also detain stormwater in the planted interior courtyards, supporting the proposed vegetation. There would also be open tree pits along the streets and planted strips along the waterfront where rainwater would infiltrate to the ground below. Lastly, the street drainage to the canal, in accordance with DEP design, would be provided with DEP standard Type II catch basins with a sump and hood that would prevent solids and floatables from being discharged into the canal.

All sanitary flow from the proposed project would be separately conveyed to the Red Hook WPCP for treatment via the existing combined sewer in Bond Street. Figure 1-12 shows the street and grading improvements under the proposed project.

PROPOSED WATERFRONT OPEN SPACE AND BULKHEAD IMPROVEMENTS

Currently, the bulkhead along the project site is a timber crib design that, though currently functioning, could not be utilized or repaired for the purposes of meeting the proposed waterfront access goals of both the project and the City. Therefore, in order to improve the water’s edge in order to provide waterfront open space, the proposed project would modify the existing infrastructure by installing a new steel sheet pile bulkhead for the entire length of the waterfront. The design, location and elevation of the proposed bulkhead are subject to the approval of DEC and ACOE. Where portions of the existing bulkhead are currently overtopped during high tide events, the existing elevation of the bulkhead may be maintained and an intertidal area may be created landward of the new bulkhead, if required by DEC and/or ACOE (see Figure 1-13). The new bulkhead would either be placed in the same footprint as the existing bulkhead or would be placed against the face of the existing timber crib bulkhead, subject to the

8.26.08



Shoreline Condition and bulkhead location may vary as required by NYS Department of Environmental Conservation and the US Army Corps of Engineers

Intertidal Area
Figure 1-13

363-365 BOND STREET

approval of DEC and/or ACOE. The preferred design is to place the sheet steel against the face of the existing timber crib bulkhead as it would:

- Avoid the release of upland contaminants into the canal during construction,
- Avoid the release of sediments into the canal,
- Minimize the disturbance to the waterfront and canal to the greatest extent possible,
- Facilitate the most efficient installation of the new bulkhead,
- Preserve to the greatest extent possible the State/National Register of Historic Places (S/NR)-eligible timber bulkhead and crib system, and
- Shorten the duration of construction along the shoreline edge, thereby minimizing potential impacts.

The preferred design would require the removal of existing whalers and piles from the existing timber crib bulkhead. In addition, for any new installation an anchoring system consisting of “deadmen” and steel “tie rods” would be installed upland below-grade, and inland of the existing crib (or approximately 40 feet upland). The tie rods would run from the new sheeting to the deadmen approximately every eight feet for the length of the bulkhead. The installation of the tie rods would require four to five foot deep trenches. The installation of the tie rods could potentially require removal of portions of the crib sufficient to allow the steel tie rods to pass through the area. The proposed bulkhead would have a boat fender system on its seaward face. This would be constructed of wood to mimic existing conditions along the canal (see Appendix E).

As described in greater detail in Chapter 7, “Historic Resources,” these proposed waterfront infrastructure improvements would impact the Gowanus Canal bulkhead, which the State Historic Preservation Office (SHPO) has determined eligible for listing on the State/National Register of Historic Places as both an archaeological and architectural resource. In order to mitigate impacts to the bulkhead, the reconstructed bulkhead would be faced in wood to match the existing face. In addition, a mitigation plan has been developed to document and recover archaeological information relative to the bulkhead within the area to be disturbed during construction. This mitigation plan is presented in Chapter 23, “Mitigation.”

F. FRAMEWORK FOR ANALYSIS

The environmental review presented in this DEIS examines impacts of a site-specific rezoning and development proposal. It includes the rezoning of the site from M2-1 to M1-4/R7-2 (MX) thereby allowing the development of the proposed project with approximately 447 dwelling units (of which approximately 130 would be affordable housing units), commercial space (approximately 2,000 square feet), community facility (approximately 2,000 square feet), and 268 accessory parking spaces.

If approved, the proposed project would also be developed under a GLSD. As a result, the design of the buildings and the open space must be developed in accordance with the special permit that is necessary for the proposed project to move forward. Thus, unlike a proposal that contains only a zoning action, the site-specific development of the proposed project is examined within this Draft EIS (DEIS). In addition, as stated above, Restrictive Declarations would be used to implement measures such as hazardous materials cleanup. Thus, in addition to being a zoning action, the proposed project is a site-specific development proposal which significantly defines the project for analysis within this DEIS. Additionally, the project requires State and Federal approvals for improvements along the water’s edge and new outfalls that will be subject

to future site-specific engineering designs. These designs are conceptually presented in this DEIS.

The project build year is 2011, which is the year in which it is expected that the proposed project would be occupied.

CEQR requires a comprehensive analysis of proposed actions or projects in the context of other proposals. Thus, the impacts of this project are not measured against currently existing conditions, but are assessed based on the impacts of the project at the time of occupancy and the completion of construction. To assess conditions in the future without the proposed project (“No Build” conditions), the DEIS typically includes known or approved development proposals and other actions that may also be pending (and under environmental review) where the development is expected to occur on or before the occupancy of the proposed project (or 2011 in this case). The “No Build” list for this DEIS is provided in Chapter 2, “Land Use, Zoning, and Public Policy (Table 2-2). The conditions in that 2011 No Build analysis year are then projected based on changes in housing and population (for example), and also take into account growth factors (such as traffic) and projections from other City agencies (e.g., projected changes in student enrollment). In addition, given that DEP has a major capital improvement proposed at the head of the canal (i.e., the upgrade of the Gowanus pump station and Flushing Tunnel), infrastructure and natural resources conditions have also been assessed in this DEIS for the year 2013, which is after the project’s build year. This analysis was also performed in response to comments and for the purposes of analyzing environmental conditions, with the proposed project in place as well as these major capital improvements.

The projection of conditions through 2011 is also based on a study area that has been identified for each technical analysis. In many cases, these study areas have been expanded in response to public comments received through the scoping process for the EIS.

Impacts of the proposed project in the analysis year (“Build” conditions) are then measured against the “No Build” conditions in order to determine the incremental impacts of the proposed project and the levels of impact significance based on the guidelines of the *CEQR Technical Manual*.

Currently, the New York City Department of City Planning Commission (DCP) is considering an area-wide rezoning for the Gowanus Canal area. This draft rezoning proposal was presented to the public at a public meeting of the Community Board 6 Land Use Committee on May 29th, 2008 (this proposal was previously presented as a Gowanus Canal Corridor Framework by DCP). In the forthcoming months, the draft rezoning proposal will be refined and is expected to be released formally in a Draft Scope of Work for the purposes of preparing a Draft Environmental Impact Statement on the proposed area-wide rezoning in early 2009. That Scope of Work will include a Reasonable Worst Case Development Scenario that will identify projected and potential sites that could be developed under the DCP area-wide rezoning proposal.

G. PUBLIC REVIEW AND DECISION-MAKING PROCESS

UNIFORM LAND USE REVIEW PROCEDURE

As stated above, the proposed project is subject to ULURP, which is mandated by Sections 197-c and 197-d of the City Charter. ULURP was enacted to allow public review by the local Community Board, the Borough President, CPC, and for certain applications, the City Council

and Mayor, for a set of proposed actions. ULURP procedures set time limits for review at each stage to ensure a maximum review period of approximately seven months.

The process begins with certification by the DCP that the ULURP application is complete. The application is then forwarded to the local Community Board. The board has up to 60 days to review and discuss the proposal, hold public hearings, and adopt a resolution regarding its decision on the application. The Community Board will then forward the application to the Borough President who has up to 30 days to review the application and issue a recommendation. Next in the process, the CPC has up to 60 days to review the application, during which time a ULURP public hearing will be held. Following the hearing, CPC may approve, approve with modifications, or deny the application. CPC then forwards the application to the City Council. Review by the City Council of the zoning map amendment and disposition is mandatory. City Council review of the Special Permits is discretionary. The City Council has up to 50 days to act on the application. Following the Council's vote, the Mayor has five days in which to approve or veto the Council's action. The City Council may override a mayoral veto within 10 days.

ENVIRONMENTAL REVIEW

Responding to SEQRA and its implementing regulations, New York City has established rules for its environmental review process, CEQR. The environmental review provides a means for decision makers to consider environmental effects along with other aspects of project planning and design; to systematically evaluate reasonable alternatives; and to identify, and mitigate when practicable, any significant adverse environmental effects. Most recently revised in 2001, CEQR rules guide environmental review through the following steps:

- Establishing a Lead Agency. Under CEQR, the “lead agency” is the public entity responsible for conducting the environmental review. The lead agency for this action is CPC, which is represented by DCP. As discussed above, several other City and state agencies will issue approvals for the proposed project or review this EIS. These agencies will be interested agencies.
- Determination of Significance. The lead agency's first charge is to determine whether the proposed project may have a significant impact on the environment. To do so, it must prepare an Environmental Assessment Statement (EAS). The proposed project was the subject of an EAS that was issued on January 24, 2008. The lead agency also determined that the proposed project has the potential to have a significant adverse effect on the environment, requiring that an EIS be prepared, and issued a Positive Declaration on February 4, 2008. Subsequent to that, a revised Positive Declaration was issued on August 29, 2008, in order to address the proposed action's relationship to the potential future rezoning of the Gowanus Canal Corridor.
- Scoping. The lead agency issued a Positive Declaration, along with a draft scope of work for the EIS. “Scoping,” or creating the scope of work, is the process of focusing the environmental impact analyses on the key issues that are to be studied. CEQR requires a public scoping meeting as part of the process. A scoping meeting on the draft scope of work was held for the proposed project on March 13, 2008, and written comments were accepted during a 10-day period that followed. Modifications to the draft scope of work for this DEIS were made as a result of public and agency input during the scoping process, and a Final Scoping Document for the project (363-365 Bond Street Final Scope of Work to Prepare a Draft Environmental Impact Statement), which included comments made on the draft scope and responses to those comments was issued on September 3, 2008.

- DEIS. A DEIS was prepared in accordance with the final scope of work. The lead agency reviewed all aspects of the DEIS, calling on other city agencies to participate. Once the lead agency was satisfied that the DEIS is complete, it issued a Notice of Completion and circulated the DEIS for public review. The Notice of Completion for this DEIS was issued on September 5, 2008.
- Public Review. Publication of the DEIS and issuance of the Notice of Completion initiates the start of the DEIS public review period. During this time, which must extend for a minimum of 30 days, the public reviewed and commented on the DEIS either in writing or at a public hearing convened for the purpose of receiving such comments. Where the CEQR process is coordinated with another city process that requires a public hearing, such as ULURP, the hearings are held jointly. The lead agency must publish a notice of the hearing at least 14 days before it takes place and must accept written comments for at least 10 days following the close of the hearing. The hearing was held on January 7, 2009, and written comments were accepted through January 20, 2009. All substantive comments received at the hearing or during the comment period became part of the CEQR record and are summarized and responded to in the Final EIS (FEIS).
- FEIS. After the close of the DEIS public comment period, the lead agency prepares the FEIS. The FEIS includes a summary of each substantive comment made on the DEIS and responds to each comment. When the lead agency determines that the FEIS is complete, it issues a Notice of Completion and circulates the FEIS.
- Findings. The lead agency and each of the involved agencies will each adopt a formal set of written findings based on the FEIS, reflecting its conclusions about the significant adverse environmental impacts of the proposed project, potential alternatives, and potential mitigation measures. The findings may not be adopted until at least 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead and involved agencies may subsequently make their decisions on the proposed project. Thus, in the ULURP process, CPC must wait at least 10 days after the FEIS is complete to take any action on the application. *