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ENVIRONMENTAL REVIEW DIV.

363-365 Bond Street Final Scope of Work
to Prepare a Draft Environmental Impact Statement

A. PROJECT DESCRIPTION

INTRODUCTION

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 (see Figure 1). 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 rezoning would affect two blocks along the west waterfront of the Gowanus Canal. 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 channel of 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. 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, are not part of the project site (the area 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 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 floor-area-ratio (FAR) of 2.7 and a maximum FAR of 3.6 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.

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 for all buildings 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.

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 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.

The project site (the area the applicant seeks to redevelop), 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.

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

PURPOSE AND NEED

The applicant is applying to the New York City Planning Commission (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 1st and 2nd Streets. The site layout and building configuration would be controlled through the proposed General Large-Scale Development (GLSD) 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 convenient 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.



Site Location
Figure 1

363-365 BOND STREET

PROPOSED REZONING

The area of the proposed rezoning encompasses all of Blocks 452 and 458, the majority of which is the project site. Currently, the site of the proposed project is zoned M2-1. As stated above and shown in Figure 2, the proposed project requires a rezoning of the project site from M2-1 to a Special Mixed-Use District: M1-4/R7-2 (MX). Two parcels within the area of the proposed rezoning, but outside of the project site, as mentioned above, are two City-owned lots on Block 452, Lots 5 and 19. Lot 5 is a maintenance and service facility for EMS vehicles (this facility opened in 2006). Lot 19 contains mechanical equipment and a facility supporting the adjacent historic Carroll Street Bridge. This lot is under the jurisdiction of the New York City Department of Transportation (NYCDOT). Neither lot is assumed to be developed with other uses under the proposed rezoning.

PROPOSED PROJECT

PROPOSED DEVELOPMENT PROGRAM

Under the proposed Special Mixed-Use District, the rezoning area would have a maximum 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 (up to 130 affordable), 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).

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 gsf, including residential uses, community facility space, commercial space, and accessory parking (as required under zoning).

The proposed project would include three new buildings on each block (see Figures 3 through 5). 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. Table 1 presents 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. 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

Table 1
Proposed Development Approximate Land Coverage (Excluding Streets)

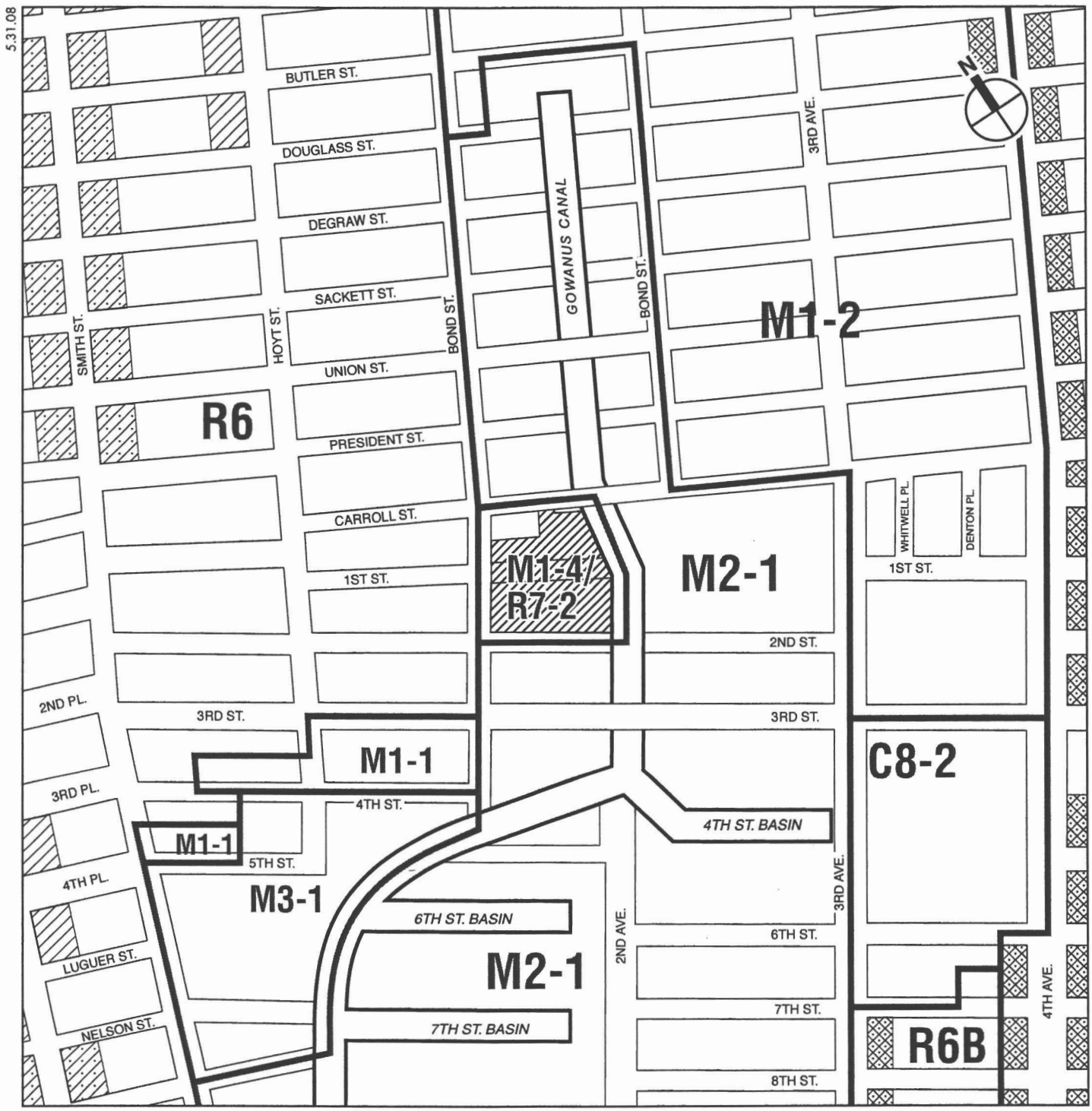
Project Element	Lot Coverage (square feet)	Percent of Project Site
Publicly-Accessible Open Space	23,165	16
Private Open Space	30,660	21
Pedestrian Access Easements	2, 559	2
4 story Building Elements (Townhouse-style buildings)	14, 715	10
5-6 story Building Elements	44,900	31
7-8 story Building Elements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

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 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.

In addition to the proposed new buildings, 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 will 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.

Since the majority of the project site is mapped within a 100-year flood hazard zone, all buildings on the project site would comply with 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 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").



363-365 BOND STREET

Proposed Zoning
Figure 2

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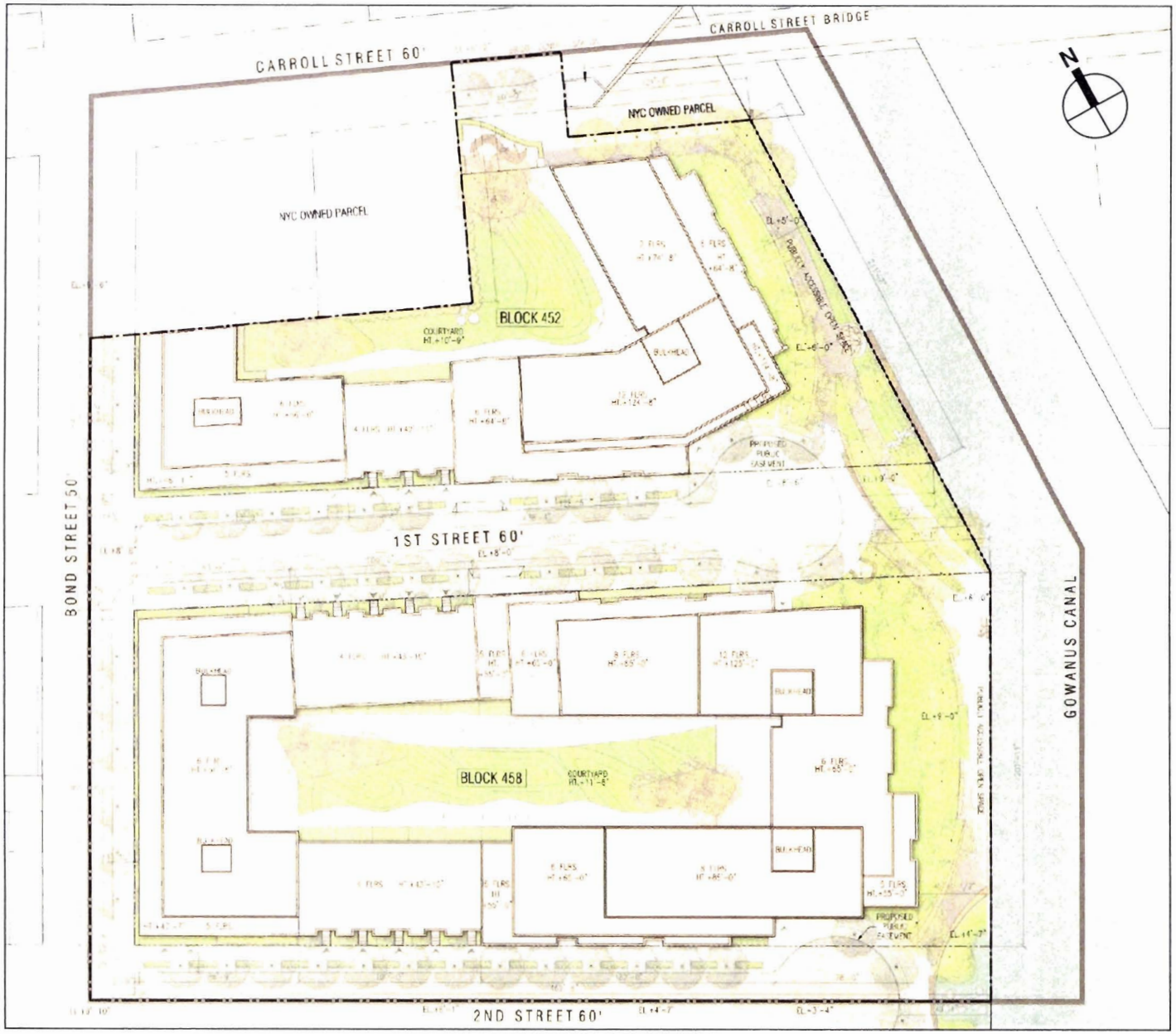


Rezoning Area Boundary

Project Site Boundary (Coterminous with GLSD Boundary)

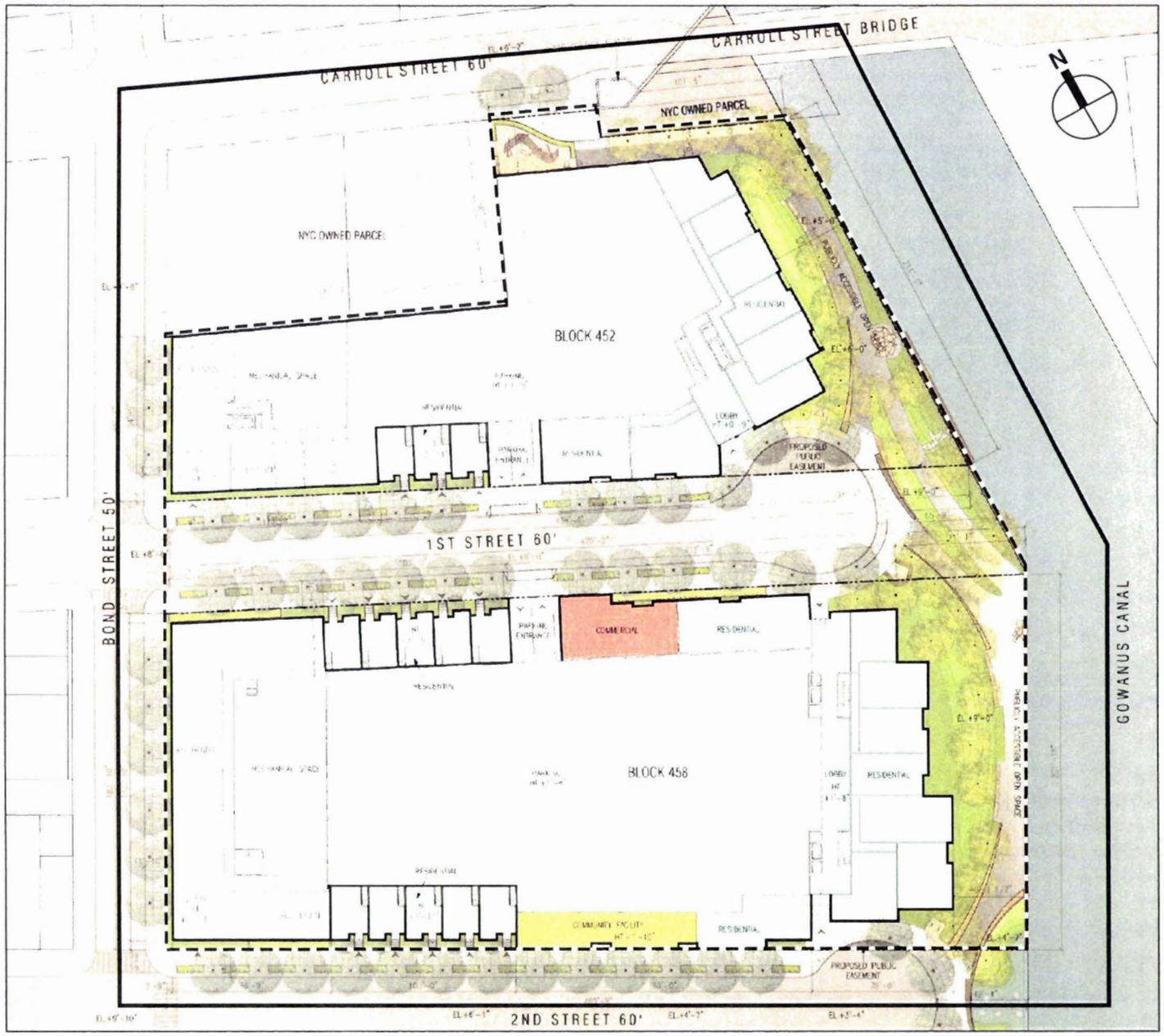
NOTE:
- Courtyard landscape shown for illustrative purposes only.

- 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.

363-365 BOND STREET

Proposed Site Plan
Figure 3

9.2.08



Rezoning Area Boundary

Project Site Boundary (Coterminous 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.

0 40 80 FEET

SCALE

Proposed Ground Floor Plan

363-365 BOND STREET

Figure 4

8.28.08



NOTE: For Illustrative Purposes Only

363-365 BOND STREET

Aerial View
Figure 5

PROPOSED OPEN SPACES

Publicly-Accessible Open Spaces

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 square feet (about 0.7 acres) of publicly-accessible open space along the Gowanus Canal waterfront (approximately 23,165 square feet of privately owned, publicly-accessible open space along the eastern border or the project site, connected seamlessly to approximately 7,656 square feet 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. A tidal wetland area would be created in the vicinity of the end of Second Street. As mentioned above, the New York City Department of Parks and Recreation (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 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 Second 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.

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 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 west 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.

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, to improve the water's edge 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. 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 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.

PROPOSED ACTIONS

For the proposed project to be developed, it requires CPC approval of the following discretionary actions:

- 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 FAR of 3.6. 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.

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 323,549 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 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, affordable housing for low-income households is defined as 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.

- Inner court recesses must provide a minimum width to depth ratio of 2:1, pursuant to Section 23-852. However, 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 composed of a corner lot, 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 NYCDOT. 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 EIS with the other involved agencies for the purposes of documenting consistent findings among the decision-making agencies.

B. CITY ENVIRONMENTAL QUALITY REVIEW

DCP, acting on behalf of CPC as lead agency, has determined that the above described proposed action has the potential to result in significant environmental impacts. Therefore, pursuant to CEQR and SEQRA procedures, DCP has issued a Positive Declaration requiring that an Environmental Impact Statement (EIS) be prepared. As stated above, it is the objective of the lead agency to coordinate the preparation of this EIS in a way that addresses the issues and concerns with other City, State, and federal agencies that are involved or advisory in the project's environmental review process.

SCOPING

The CEQR scoping process is intended to focus the EIS on those environmental and planning issues that are most pertinent to the proposed action. At the same time, the process allows other agencies and the public a role in framing the scope of the EIS. During the period for scoping, those interested in reviewing the draft EIS scope may do so and provide their comments to the lead agency either in writing or at the public scoping meeting to be held on this Draft Scope of Work. The public meeting date on the Draft Scope of Work was held on March 13, 2008. At the public meeting, spoken and written comments were accepted on the Draft Scope of Work. In addition, there was a period of 10 days after which written comments were submitted to the lead agency. The period for submitting written comments was extended until March 24, 2008.

DCP has reviewed all comments submitted on the Draft Scope of Work before issuing this Final Scope of Work. As lead agency, DCP oversaw preparation of the Final Scope of Work, which incorporates all relevant comments made on the Draft Scope of Work. This Final Scope considers public comments made on the Draft Scope (see Appendix II) and revises the methodologies of the studies, as appropriate, in response to comments made during scoping. This Final Scope of Work also has been revised to reflect changes made to the proposed action since the issuance of the Draft Scope of Work. The Draft Environmental Impact Statement (DEIS) will be prepared in accordance with the Final Scope of Work.

C. DEIS ANALYSIS FRAMEWORK

The DEIS will provide a description of "Existing Conditions" for the baseline year and assess future conditions without the proposed project ("Future Without the Proposed Project") and with the proposed project ("Future With the Proposed Project"). It is anticipated that the proposed project would be completed in 2011. Thus, conditions in the year 2011 both with and without the proposed project in place will be analyzed for the purposes of determining project-related impacts. Impacts will be determined based on the net change between conditions without the proposed project and conditions with the proposed project in the 2011 analysis year.

The DEIS will also analyze the cumulative impacts of other projects that would affect conditions in 2011 for the relevant study areas of analysis. The future conditions in all technical chapters—the future without the proposed project—will assume that none of the discretionary approvals proposed as part of the proposed project are adopted. Development in the future without the proposed project will therefore be limited to those projects that are assumed to be completed and occupied independently of the proposed project. Some projects that have been proposed in the area, such as Public Place and the area-wide rezoning proposal currently being studied by DCP, will not be completed by 2011, and thus will not be considered in this DEIS. However, as these and other projects that will be completed after the proposed action's analysis year move independently through the environmental review process, they will be required to account for the impacts of the proposed project in their cumulative impacts analyses. Should the Build years for such projects be advanced to 2011 or earlier, this DEIS will be updated accordingly.

The list of developments assumed in the future without the proposed project is presented in Table 2. Other residential developments may occur in the vicinity in areas where residential development is permitted as-of-right; as more information becomes available, this list will be updated. In addition to these projects, the DEIS will also consider ongoing projects and studies such as DEP's Gowanus Long Term Waterbody/Watershed Facility Plan and the ACOE Gowanus Canal and Bay Restoration Study.

Table 2

Projects Under Construction or Proposed in the Study Area 2011 No Build List

Map No.*	Name/Location	Use	Units/Square Footage
1	340–346 Bond Street (at Carroll Street)	Residential	24 dwelling units
2	Whole Foods Market/220 Third Street (at 3rd Avenue)	Commercial retail (supermarket)	52,000 sq. ft.
3	Con Edison/ block bounded by First and Third Streets, Third and Fourth Avenues	Office	49, 552 sq. ft.
4	361 Carroll Street	Residential	15 dwelling units
5	103–113 Third Street	Residential	45 dwelling units
6	306 Bond Street	Residential	11 dwelling units
7	265 3rd Avenue	Hotel	18,130 sf
8	410 4th Avenue	Residential	59 dwelling units
9	436 4th Avenue	Residential	Information unknown, construction activity observed no records available at DOB**
10	360 Smith Street	Residential	46 dwelling units

Note: * See Figure 6.
** DOB = New York City Department of Buildings
Source: AKRF, Inc., April 2008.

The DEIS will assume that the conditions currently present on the project site (i.e., limited industrial use) would remain the same in the future without the proposed project.

There are a number of projects currently under consideration along the Gowanus Canal as well as in the larger land use study area (for the purposes of this analysis, the land use study area has been defined as the area bounded by Wyckoff Street to the north, 4th Avenue to the east, 12th Street to the south, and Smith Street to the west). Currently proposed development projects for the study area that would be included in this analysis are listed above and shown in Figure 6. In addition, there are a number of large underutilized sites along the canal, including the City-owned Public Place site. While these sites may also be redeveloped in the future, they are not expected to be redeveloped in the same time frame as the proposed project (i.e., 2011). DCP will review all development sites in the study area and, based on application data and other sources, determine which of the development sites will be included in the DEIS analysis. At this time, the current list of projects is provided in Table 1. In addition to development projects, the DEIS will address the current visions and policies of DCP as the City continues its work on the Gowanus Canal Corridor study.

Because Block 452, Lot 5 was recently developed by the City to serve a municipal use—the existing Emergency Medical Services garage—the DEIS will assume that the City would not dispose of or otherwise redevelop the parcel. In the unlikely event that the City does propose to redevelop this site under the proposed zoning, these plans would be subject to their own environmental review independent of the proposed actions. It is also not expected that Block 452, Lot 19, which is also in the area of the proposed rezoning, but essential to the operation of the historic Carroll Street Bridge, would be redeveloped as a result of the proposed actions.

D. ENVIRONMENTAL IMPACT STATEMENT SCOPE OF WORK

The EIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the

Rules of the City of New York. The EIS will follow the guidance of the *CEQR Technical Manual*, dated October 2001.

The EIS will contain:

- A description of the proposed project and its environmental setting;
- A statement of the environmental impacts of the proposed project, including its short- and long-term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the project is implemented;
- A discussion of reasonable alternatives to the proposed project;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the proposed project should it be implemented; and
- A description of mitigation proposed to minimize any significant adverse environmental impacts.

The analyses will be performed for the expected year of occupancy of the proposed project (2011) and, as described above, will include the cumulative impacts of other projects in the study area that will affect future land use and environmental conditions (see the discussion above).

The specific analysis areas to be included in the EIS, as well as their respective tasks and methodologies, are described below.

TASK 1: PROJECT DESCRIPTION

This first chapter of the EIS introduces the reader to the proposed project and sets the context in which to assess impacts. The chapter will contain a project identification; the background and purpose and need for the proposed project and any related actions; a detailed description of the proposed actions, the lots that are affected, the proposed development program, the approvals required, procedures to be followed, and projected development under the proposed rezoning; and a discussion of the role of the EIS in the project review process. The chapter is the key to understanding the proposed project and its impacts, and gives the public and decision-makers a base from which to evaluate the project against both the Build and the No Build options.

The project description will provide a discussion of key project elements, such as site plans (see Figures 3 and 4) and elevations, access and circulation, and other project components, including the proposed housing program, publicly-accessible and private open spaces, and infrastructure and waterfront improvements. Graphics illustrating the proposed project including dimensioned section diagrams and elevations will also be included in the EIS. The section on required approvals will describe all public actions required to develop the project, which will include City, State, and federal actions.

The role of CPC, DCP, and any other involved and interested public agencies in the approval process will also be described, as will the role of the EIS as a full disclosure document to aid in decision-making and its relationship to other approval procedures.

TASK 2: LAND USE, ZONING, AND PUBLIC POLICY

The proposed project would directly affect the land use on the project site by replacing existing light industrial and vacant uses with a residential development supported by neighborhood

8.28.08



Project Site

Rezoning Area

Land Use Study Area Boundary

No Build Project

0 400 800 FEET

SCALE

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No Build Projects

Figure 6

commercial and community facility uses. In order for the proposed project to be developed, it requires changes in the City zoning text and map and other actions.

This chapter of the EIS will examine the effects of these proposed actions in terms of land use compatibility and land use trends, as well as trends related to zoning and public policy. This assessment will also provide a context for other analyses in the EIS. The chapter will:

1. Provide a brief development history of the project site, rezoning area, and study area. Due to the location of the project site and to account for distinct land use patterns in the study area, the boundaries of the study area will been defined as the area bounded by Wyckoff Street to the north, 4th Avenue to the east, 12th Street to the south, and Smith Street to the west. (see Figure 7).
2. Describe conditions on the project site and rezoning area, including existing uses and current zoning.
3. Describe predominant land use patterns in the study area, including a description of recent development trends.
4. Provide a zoning map and discuss existing zoning and recent zoning actions in the study area.
5. Describe public policies that may apply to the study area. These may include the waterfront plans of the City of New York, and Empire Zone, Industrial Business Zone, or Industrial Ombudsman Area designations.
6. Prepare a list of other projects expected to be built in the study area by 2011, the proposed project's Build year. Describe the effects of these projects on future land use patterns and development trends in the absence of the proposed project. Also, describe pending zoning actions or other public policy actions that could affect land use patterns and trends in the study area by 2011, including plans for public improvements. This would include a discussion of DEP's proposed upgrade of the Gowanus Canal Pumping Station. The analysis will include the pumping station if it is completed and operational by 2011. Otherwise, the analysis will not examine the proposed upgrade.
7. Describe the impacts of the proposed project comparing No Build Conditions with conditions under the proposed actions. This assessment will focus on the project site and the lots that are affected, and the proposed development program. It will also provide an assessment of the impacts of the proposed rezoning on land use and land use trends, zoning, and public policy; present a map of the proposed zoning changes; and consider the effects related to issues of compatibility with surrounding land use, consistency with zoning and other public policy initiatives, and the effects of the proposed project on development trends and conditions in the area. Policies regarding the waterfront redevelopment program, coastal zone management, and historic resources will be discussed in their relevant sections.

TASK 3: SOCIOECONOMIC CONDITIONS

This chapter will examine the effects of the proposed project on socioeconomic conditions in the study area, including changes in population characteristics, economic activity, and the potential displacement of businesses and employment from the proposed project area. The analysis will provide a qualitative assessment of potential socioeconomic changes associated with the proposed project, including: direct displacement of businesses, or employees; new development that is markedly different from existing uses and activities within the neighborhood; any adverse

effects on conditions in the real estate market in the area; or an adverse effect on socioeconomic conditions in a specific industry.

As a first step, a preliminary assessment will be conducted pursuant to the *CEQR Technical Manual* methodology. The analysis will present sufficient information regarding the effects of the proposed project in order to make a determination as to whether there is a potential for significant socioeconomic impacts, or if a more detailed analysis is required in order to make a determination as to impacts. The preliminary assessment will examine five areas of concern including: (1) direct residential displacement (there are no residential uses on the project site); (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries. For each area of concern, if it has been determined that a socioeconomic impact is likely or cannot be ruled out based on the preliminary screening assessment, then a detailed analysis will be conducted.

The socioeconomic conditions study area is shown in Figure 8. The *CEQR Technical Manual* recommends that up to a ½-mile radius be used for a socioeconomic study area boundary. The study areas will be adjusted to reflect boundaries of census tracts or data for labor and industry. Subtasks for detailed analysis, if determined to be necessary, include:

POPULATION CHARACTERISTICS

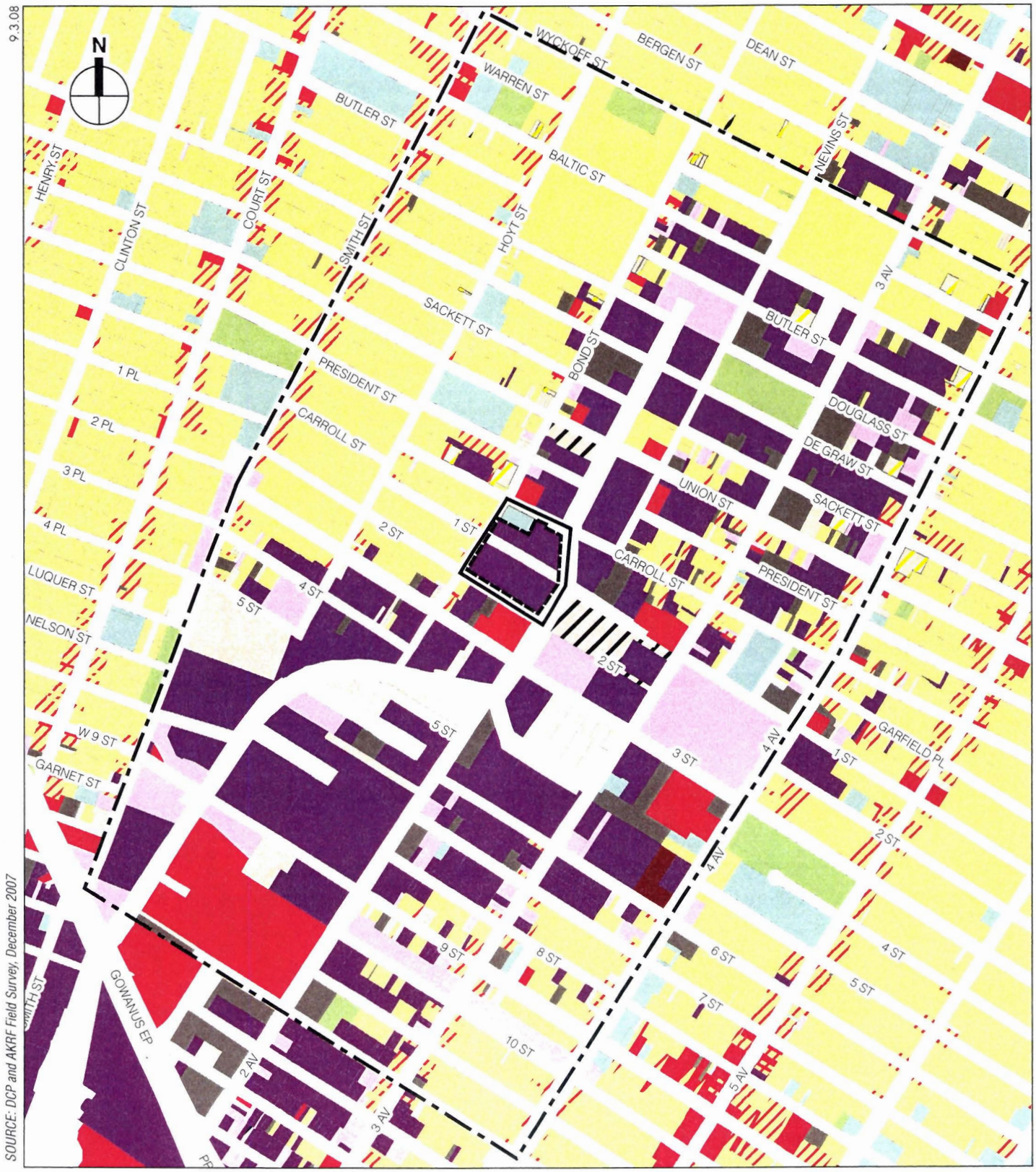
- Based on the U.S. Census of Population and Housing, describe the 2000 population characteristics of the study area and the primary and secondary study areas;
- Discuss population trends in the No Build condition; and
- Estimate population associated with the Reasonable Worst-Case Development Scenario (RWCDS) under the proposed actions and assess impacts on population, if any.

HOUSING CHARACTERISTICS

- Using 2000 Census data and other information, such as reports on housing value and median rents, describe the housing characteristics of the study area including the presence of public housing and other rent-regulated housing;
- Assemble and discuss information on housing market conditions, including identification of presence of any unique or predominant population groups or presence of populations particularly vulnerable to economic changes, using Census data and other sources; and
- Estimate housing changes associated with the proposed actions and assess impacts on housing, if any, and housing trends in the No Build condition.

ECONOMIC CHARACTERISTICS

- Describe existing economic activity in the study area (using most recently available data), including the number and types of businesses and employment by key sectors;
- Describe the physical characteristics of the existing manufacturing and commercial buildings in the study area and surrounding areas, including the general size of the structures, configurations, and condition. Determine the approximate vacancy rate and rent levels for buildings in the study area. This will be based on visual inspections, discussions with the Brooklyn Office of DCP, and discussions with real estate brokers;



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Land Use
Figure 7



Socioeconomic Study Area

Figure 8

363-365 BOND STREET

- Estimate direct displacement of businesses and employment based on the proposed project; and
- Assess the impact of displacement, identifying likely relocation opportunities in the area.

TASK 4: COMMUNITY FACILITIES AND SERVICES

The demand for community facilities and services is directly related to the type and size of the new population generated by development resulting from a proposed action. New workers tend to create limited demand on community facilities and services, while new residents create more substantial and permanent demands. The proposed project is not expected to introduce more than 600 low- to moderate-income residential units; therefore, a detailed assessment of health care facilities would not be required. Similarly, the proposed project is not expected to exceed the threshold of more than 50 children under the age of 12 eligible for slots at public day care centers—147 low-moderate or 135 low-income units in Brooklyn—for a detailed day care center analysis. A detailed assessment of library services would not be required because the proposed project is also not expected to increase the number of residential units served by the local branch library of the Brooklyn Public Library by more than 5 percent (734 residential units). The *CEQR Technical Manual* only requires analysis of impacts on police and fire services in cases of direct displacement. The proposed project would not directly cause the displacement of a police or fire facility; therefore a detailed assessment is not required. While the assessment areas described above will not be analyzed in detail, the screening analyses of libraries, daycare centers, hospitals, and police and fire protection will be provided in the EIS.

According to the *CEQR Technical Manual*, a detailed analysis of an action's potential impacts on public schools is necessary when an action would generate more than 50 elementary and intermediate school students. High school students can usually elect to attend schools other than their neighborhood high schools, depending on admissions criteria and space availability. However, since the proposed project is expected to generate fewer than 150 high school students, an analysis of public high schools is not required.

The issue of community facilities and services for the proposed project will be limited to an assessment of the public elementary and middle schools in the area and how the proposed project may affect their utilization. The analysis will:

1. Identify the public elementary and middle schools serving the rezoning area.
2. Assess conditions within the schools study areas in terms of enrollment and utilization during the current school year, noting any specific shortages of school capacity. The analysis will assesses the potential effects of the proposed project on schools located within or near a ½-mile study area around the project site. The analysis will also examine the effects on the entire Community School District 15 (CSD 15).
3. Identify conditions that will exist in the future without the proposed project, taking into account any projected changes in future enrollment and plans to alter school capacity through either the construction of new school space or through administrative actions on the part of the New York City Department of Education (DOE).
4. Analyze future conditions with the proposed project by adding the number of new students generated by the proposed project to the projections for the future without the proposed project.

5. Assess impacts based on the difference between conditions in the future without the proposed project and the future with the proposed project.

TASK 5: OPEN SPACE

Currently, the only open space within the proposed rezoning area is a "greenstreets" open space at the end of Second Street. This greenstreet consists of native plant species encased in concrete planters. The proposed project would provide an approximately 0.6-acre, publicly accessible, privately owned open space in the form of a new esplanade along the Gowanus Canal. The *CEQR Technical Manual* recommends a detailed assessment of a project's effects on open space if a proposed action is expected to increase the population by more than 200 residents or 500 employees, or a similar substantial number of other users. Since the proposed project is expected to generate more than 200 residents to the project site, it would have an effect on the utilization of open space and recreational facilities in the surrounding area, and on the new publicly accessible, privately owned open space to be created. Therefore, a detailed assessment of the proposed project's effect on open space will be provided. This analysis will determine whether the proposed project will affect the quantitative and qualitative measures of open space adequacy within the ½-mile study area recommended for projects with residential populations in the *CEQR Technical Manual* (see Figure 2). The open space analysis will:

1. Inventory existing open space and recreational facilities within approximately ½-mile of the rezoning area. Tally open space acreage for passive and active publicly accessible open space. Include a discussion of the relationship between the proposed project and the proposed Brooklyn Greenway, to the extent it is relevant to the proposed project.
2. Estimate residential population of the open space study area using 2000 Census data on population.
3. In conformance with *CEQR Technical Manual* methodologies, assess the adequacy of existing publicly accessible open space facilities. The assessment of adequacy is based on a comparison of the ratios of total, active, and passive space per 1,000 residents and passive space/1,000 combined residential and worker population to City guidelines.
4. Assess expected changes in future levels of open space supply and demand in the future without the proposed project based on other planned development projects within the study area. Develop open space ratios for future conditions and compare them with existing ratios to determine changes in future levels of adequacy.
5. Based on projected resident populations added by the proposed project and the proposed open space programming, assess the project's effects on open space supply and demand. This assessment will be based on a comparison of open space ratios with the project and open space ratios in the future without the project. Address the compatibility of the proposed open space with surrounding industrial uses on the canal.

TASK 6: SHADOWS

As discussed above, the tallest portions of the proposed project would be approximately 125 feet in height. A screening level analysis will be performed in accordance with the methodology recommended in the *CEQR Technical Manual*, focusing on the relation between the proposed project's incremental shadow (in comparison with the no action scenario) and any publicly accessible open spaces, sun-sensitive features of historic resources, or important natural features located in the vicinity.



Open Space Study Area

Figure 9

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If it is found that the shadows from the proposed structure would potentially cause significant impacts on any publicly accessible open spaces or sun-sensitive features of nearby historic resources, a detailed assessment of shadows will be prepared. The hours that project-generated shadows will fall on sun-sensitive resources will be calculated for March 21, May 6, June 21, and December 21. The duration of the shadow increment on the identified open space or historic resources with sun-sensitive features will be calculated, shadow diagrams for each analysis period will be prepared, and the effects of the incremental shadows will be assessed.

TASK 7: HISTORIC RESOURCES

The project site is located within the Gowanus Canal Historic District, which has been determined S/NR-eligible. The Gowanus Canal bulkhead, part of which is located within the project site, was identified as a contributing element within the Historic District, which does not have delineated boundaries, but is defined by the contributing elements within it. Other nearby historic resources include the Carroll Street Bridge, a New York City Landmark (NYCL) and S/NR-eligible, which is adjacent to the project site to the north, and the Carroll Gardens Historic District (NYCL, S/NR), located east and west of Hoyt Street between Union and Second Streets.

Given the presence of the S/NR eligible Gowanus Canal Historic District and the adjacency of the NYCL landmarked Carroll Street Bridge, the analysis of historic resources is an important consideration for the EIS. The historic resources analysis will therefore be undertaken in consultation with the New York State Office of Parks, Recreations, and Historic Preservation (OPRHP) and the New York City Landmarks Preservation Commission (LPC) and will be prepared in accordance with the methodologies presented in the *CEQR Technical Manual*. The analysis will identify any architectural resources on and within the primary and secondary study areas, including known architectural resources (NYCL, NYCL-eligible, S/NR, and S/NR-eligible properties), and properties that appear to meet criteria for NYCL designation and/or S/NR listing (see Figure 10). Any potential project impacts on historic resources will be assessed, and mitigation measures developed (as appropriate) in consultation with LPC and OPRHP.

The following tasks will be undertaken as part of the historic resources analysis:

HISTORIC AND ARCHITECTURAL RESOURCES

1. Following CEQR guidelines, prepare an evaluation of the potential for the project site to have architectural and historical significance based on documentary research. This material will be submitted to LPC and OPRHP for a review and evaluation of the site conditions.
2. Determine a study area and map and briefly describe known architectural resources within it. The primary study area for the historic resources analysis will be defined by a 400-foot radius around the project site. In addition, a secondary study area will extend approximately ¼ to the east and west of the project site, and approximately ½ mile north and south of the project site, consistent with the land use study area. Known architectural resources include National Historic Landmarks (NHLs), S/NR properties and those determined eligible for S/NR listing, NYCLs and Historic Districts, and properties pending NYCL and Historic District designation, as well as properties determined eligible for NYCL designation.
3. Conduct a field survey of the primary and secondary study area to determine whether there are any potential architectural resources that could be affected by the proposed project. Potential architectural resources are properties that appear to meet the eligibility criteria for

NYCL designation and/or S/NR listing. Map and briefly describe any identified potential architectural resources. In consultation with LPC and OPRHP, seek determinations of eligibility for any potential resources in the study area that would be affected by the proposed project.

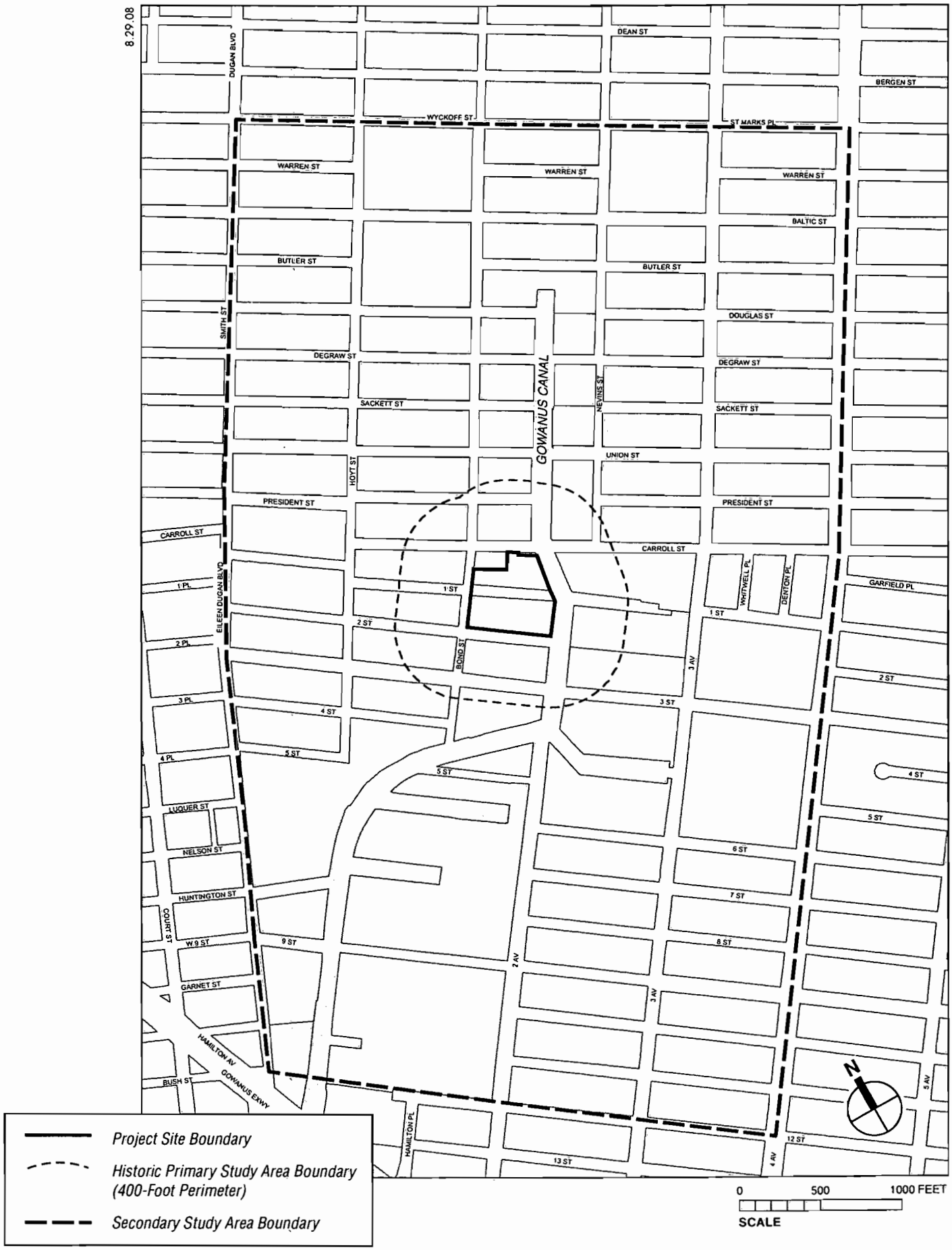
4. Based on planned development projects, qualitatively discuss any impacts on archaeological and architectural resources that are expected in the future without the proposed project. Incorporate into that discussion project elements that would preserve or protect historic resources.
5. Assess any direct physical impacts of the proposed project on archaeological and architectural resources. In conjunction with the urban design task, assess the proposed project's potential to result in any visual and contextual impacts on architectural resources.
6. If applicable, develop mitigation measures to avoid any adverse impacts on architectural and/or archaeological resources in consultation with LPC and OPRHP.
7. If required, prepare Historic Resource Inventory Forms(s) for any properties that appear to meet eligibility criteria for S/NR listing. These forms would be submitted to OPRHP for their determination of S/NR eligibility.
8. Evaluate potential impacts to historic resources per Section 14.09 of the New York State Historic Preservation Act.
9. Assess potential impacts to the Carroll Street Bridge from traffic related to the proposed project (including construction vehicles.

ARCHAEOLOGICAL RESOURCES

10. Consult with LPC to obtain a preliminary determination regarding the project site's potential to have archaeological sensitivity. If LPC determines that the project site is potentially sensitive for archaeological resources, and if further research is required, a Phase 1A Archaeological Assessment will be prepared for review by LPC and for OPRHP (since the proposed project involves state actions). The Phase 1A Archaeological Assessment will identify the potential of the project site to contain either pre-contact-period and/or historic-period archaeological resources. It will provide a historical context overview in which to assess archaeological resources, a development history of the proposed project site and study area, an in-depth assessment of past disturbance, and the identification of any potential resource types and their potential significance that may be present on the project site. The conclusions of the Phase 1A Archaeological Assessment will be summarized in this chapter of the EIS.

TASK 8: URBAN DESIGN AND VISUAL RESOURCES

According to the *CEQR Technical Manual*, a detailed assessment of urban design and visual resources is undertaken when a proposed action would result in a building or structure substantially different in height, bulk, form, setbacks, size, scale, use, or arrangement than exists; when an action would change block form, demap an active street, map a new street, or would affect the street hierarchy, streetwall, curb cuts, pedestrian activity, or other streetscape elements; or when an action would result in above-ground development or would change the bulk of new above-ground development and is proposed in an area that includes significant visual resources. The project site is located adjacent to the NYCL and S/NR-eligible Carroll



Historic Resources Study Area

363-365 BOND STREET

Figure 10

Street Bridge and the S/NR-eligible Gowanus Canal, and the proposed project would result in a change to the existing street grade on First Street between Bond Street and the Canal. This analysis will be coordinated with the Historic Resources task and will focus on the visual and contextual relationship of the proposed and projected developments to these features that contribute significantly to the urban design characteristics of the surrounding area.

The proposed work tasks for urban design/visual resources are as follows:

1. The primary study area for the urban design and visual resources analysis will be defined by a 400-foot radius around the project site. In addition, a secondary study area will extend approximately ¼ to the east and west of the project site, and approximately ½ mile north and south of the project site, consistent with the land use study area. Based on field visits, describe the project site and the urban design and visual resources of the study area using photographs and text as appropriate (see Figure 10). The Carroll Gardens Historic District will be included in the analysis in relation to urban design and visual resources impacts.
2. Based on planned development projects, describe the changes expected in the urban design and visual character of the study area that are expected in the future without the proposed project.
3. Describe the visual character of the proposed development. Assess the anticipated changes in urban design and visual resources that would result from the proposed project in the study area and evaluate the significance of that change.
4. If necessary, identify mitigation measures and alternatives.

TASK 9: NEIGHBORHOOD CHARACTER

Neighborhood character is shaped by a number of factors, including land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise. Methodologies outlined in the *CEQR Technical Manual* will be used to provide an assessment of neighborhood character. Work items for this EIS task are as follows:

1. Based on other EIS sections, describe the predominant factors that contribute to defining the character of the neighborhood surrounding the rezoning area.
2. Based on planned development projects, public policy initiatives, and planned public improvements, summarize changes that can be expected in the character of the area in the future without the proposed rezoning.

Assess and summarize the rezoning's impacts on neighborhood character using the analysis of impacts as presented in other pertinent EIS sections (particularly urban design, historic resources, socioeconomic conditions, noise, and traffic).

TASK 10: NATURAL RESOURCES

This task will examine the proposed project and provide an assessment of potential impacts on natural resources in conformance with *CEQR Technical Manual* guidelines. The EIS chapter will include floodplain graphics and descriptions of existing water quality, aquatic resources, and waterfront conditions (e.g., bulkhead). Because the proposed project would raise street and property grades out of the floodplain, would install two new storm sewer outfalls, and would require the repair and replacement of the existing bulkhead, an assessment of impacts on water

quality and natural resources will be presented in this chapter. This task will include the following:

- Describe the natural resources and water quality conditions along the Gowanus Canal, with site specific data as may be available through a literature review. Among the documents to be reviewed in this analysis will include the DEP Harbor Survey and the DEP Gowanus Long Term Waterbody/Watershed Facility Plan; and ACOE Gowanus Canal and Bay Restoration Study (e.g., the DEP Harbor Survey, ACOE data). This section will also describe the general characteristics of the canal, including its water quality classification, and pollutant sources and chemical and biological conditions based on currently available data.
- Review currently available information on aquatic habitats in the study area. This will also rely on published literature, including the identification of any essential fish habitats. The presence of tidal wetlands will be based on existing DEC tidal wetlands maps, U. S. Fish and Wildlife Service National Wetlands Inventory maps and field investigations.
- Although the site is largely a developed and disturbed urban vacant/warehousing site, this task will include a characterization of the upland portions of the site based on a field survey.
- The New York State Natural Heritage Program, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service will be contacted to obtain data as to the potential presence of any rare or endangered plant or animal species in the area and essential fish habitats, along the Gowanus Canal.
- A projection will be made of natural resources conditions through the 2011 analysis year based on expected future conditions without the proposed project.
- An assessment of potential impacts from the proposed project will be presented analyzing any changes in water edge conditions, groundwater conditions, sediment disturbance, stormwater discharges, combined sewer overflow (CSO) discharges, aquatic habitats, and terrestrial resources. Impact issues could include additional flow from outfalls (see also Task 13, "Infrastructure," below), improvements to the bulkhead, and any cumulative impacts of the proposed project with respect to other Gowanus Canal private and public projects through 2011. The need for any State or federal approvals will also be described.

In addition, an assessment of potential impacts during construction will be presented in Task 20, "Construction Impacts."

TASK 11: HAZARDOUS MATERIALS

The hazardous materials analysis in the EIS will consider whether hazardous or contaminated materials potentially exist at the project site, whether they would be disturbed during construction, and whether they would persist in the area after development (posing a threat to workers, visitors, and residents at the development). The results of the existing Phase I Environmental Site Assessment (ESA) and the three existing Phase II Environmental Site Investigation Reports will be summarized in this chapter and used to assess the potential for significant impacts and to identify locations where any further investigation may be required. It is assumed that existing studies are sufficient to prepare a summary, highlighting existing environmental conditions on the site and recommendations for necessary preconstruction subsurface testing or remediation of contaminated materials, as well as measures to be followed during demolition/construction to eliminate, reduce to acceptable levels, or control any significant sources of contamination. These measures could include: remediation of identified

hazardous materials; development of procedures to avoid releases or exposure during construction; and an overall environmental Remedial Action Plan/Construction Health and Safety Plan (RAP/CHASP). The RAP would provide for the appropriate handling, stockpiling, testing, transportation and disposal of hazardous materials in accordance with all applicable federal, state and local regulations. The CHASP would ensure that all such work is done in a manner protective of both human health and the environment and that monitoring protocols to ensure the procedures would be followed. A detailed scope of work follows.

- The land use history of the rezoning area will be described based on historic maps, atlases, and other historical records.
- DEC, FDNY, and New York City Department of Buildings records will be examined for records of underground storage tanks.
- Records of other areas of environmental concern—including hazardous waste disposal sites, hazardous waste generators or treatment facilities, and hazardous substance releases—will be obtained through a computer database for surrounding locations.
- Available information on subsurface conditions (geology and hydrogeology), including any borings performed on or near the site, will be presented, as will all available reports of soil or groundwater testing on the project site or adjacent properties.
- The site and the adjacent properties will be inspected for any evidence of contamination, including the presence of drums or tanks, stained soils, stressed vegetation, and illegally dumped or stored material.
- The potential for contamination of soil and groundwater in the rezoning area, and the need for any site testing, will be assessed based on land use history, examination of tank records, and current site conditions.
- The results of the assessment will be summarized for inclusion in the EIS.
- If there is the potential for significant impacts under the proposed project, the need to perform soil or groundwater sampling as mitigation will be described in the mitigation chapter as well as the need for any measures necessary to implement the mitigation.

TASK 12: WATERFRONT REVITALIZATION PROGRAM

As shown in Figure 11, the project site lies within New York City's Coastal Zone Boundary. Adopted under the federal Coastal Zone Management Act of 1972, the City's Local Waterfront Revitalization Program (LWRP) is administered by CPC acting as the City Coastal Commission, and consists of 10 policies that address such issues as water dependency, flooding, erosion, natural resources, and water quality. This task will assess the proposed project's consistency with the City's LWRP.

TASK 13: INFRASTRUCTURE

The project site lies on the waterfront at a low elevation in an area that is currently subject to drainage and flooding impacts. It is also located in an area where the existing infrastructure was installed for manufacturing uses, not residential uses. Therefore, this chapter will describe the current adequacy of the infrastructure for the area and examine the potential impacts of the proposed project, including any proposed infrastructure improvements. This analysis will examine any effects on the Gowanus Canal Pumping Station and water quality conditions either with or without that capital project in-place, depending on the completion of the upgrade project site (see the discussion below).

Specifically, this task will analyze the proposed project's demand for water supply and sanitary water uses, and stormwater runoff. Specific work items under this task will include:

1. Describe the water supply system for the area and estimate water demands for the proposed project. Assess the effects of the added demand on the City's water supply system and the local conveyance system in order to determine if there would be impacts to water supply or pressure.
2. Estimate current wastewater flows at the project site and describe the existing combined sewer wastewater collection system for the project site and area. Describe any proposed improvements through 2011. This would include a description of any currently proposed or contemplated capital projects for the proposed project's immediate drainage area that are being considered by the City, with a focus on those that are expected to be completed and implemented by 2011 (e.g., the Gowanus Pumping Station; see the discussion under "Land Use, Zoning, and Public Policy"). The analysis would only consider projects that are in-place and operating by the 2011 build year. Present the average annual monthly flow rates for the Red Hook WPCP for the latest 12-month period. Assess the effects of the added demand for sewage services generated by the proposed project in order to determine if there will be any impact on operations of the WPCP or the local conveyance system, including the Gowanus Pumping Station.
3. Describe the existing storm water drainage patterns on the project site and volume of stormwater currently generated. Describe the proposed project's stormwater management plan, including the method of discharge, and any amendments to the local drainage infrastructure that may be necessary. Describe proposed stormwater infrastructure improvements (i.e., proposal to construct new storm sewers), SWPPPs, and assess future stormwater generation from the proposed project and assess its potential for any stormwater impacts.
4. Assess the pollutant loads from the current and future uses of the project site and determine the potential effects on the water quality of the Gowanus Canal. This would include a comparison of runoff characteristics from the current vacant/warehouse land cover as compared with the proposed land cover of residential/open space uses under the proposed project. The assessment will also take into consideration any SWPPPs with the proposed project. The analysis will make a comparison of the net incremental change from the current to proposed conditions and assess any negative or beneficial impacts that may occur with respect to water quality conditions in Gowanus Canal and Gowanus Bay.
5. As described above under "Proposed Project," the proposed project would provide separate sewers for sanitary and stormwater flows (currently, flows from the site are combined). The EIS will assess the potential impacts of the proposed project with respect to impact on the local sewer network and its capacity to handle the added sanitary flows of the project. Using hydraulic and water quality models, this assessment will consider increases in flow in local combined sewers due to the added residential population and the offsets of storm flow reductions based on the separation of current storm flow from the project site to the sewer system. The impact analysis will consider this net change and any resulting impacts in the response of the sewer system including an assessment of any localized impacts with respect to combined sewer overflows. This assessment would include hydraulic calculations to determine infrastructure responses to project-generated sanitary flow and the potential for additional combined sewer overflow events in 2011 (the proposed project's build year), and for informational purposes, 2013 (the year in which DEP proposes to complete significant



Waterfront Revitalization Program

363-365 BOND STREET

Figure 11

infrastructure improvements affecting the Gowanus Canal, including upgrading the systems at the Gowanus Pump Station and force main and the Gowanus Flushing Tunnel).

6. Assess the potential impacts from the proposed project related to flooding and future drainage conditions.

TASK 14: SOLID WASTE AND SANITATION SERVICES

Since the proposed project is modest in size, this task will provide a screening level analysis of potential project impacts on solid waste and sanitation services. This analysis will describe existing and future New York City solid waste disposal practices, including collection systems and disposal methods. It will disclose the volume of solid waste and recycling materials the proposed project would be expected to generate, and assess the impacts that waste on the City's collection solid waste and disposal services.

TASK 15: ENERGY

Given the modest size of the proposed project, energy impacts will also be a screening level of analysis. Therefore, this task will describe the energy systems that would supply the proposed project with electricity and/or natural gas. The chapter will include descriptions of the capacity and existing demand on these systems, and of the distribution networks in the rezoning area.

TASK 16: TRAFFIC AND PARKING

The street network and its ability to absorb traffic from the new residential development is expected to be one of the major issues for the proposed action. A preliminary trip generation study was conducted based on the proposed residential development (see Appendix I, "Trip Generation"). This study determined that the traffic analyses will focus on the weekday AM and PM peak hours, and will examine impacts based upon an assumed "worst-case" development that would occur with the proposed action. Below is a description of the tasks necessary to complete the traffic and parking analysis:

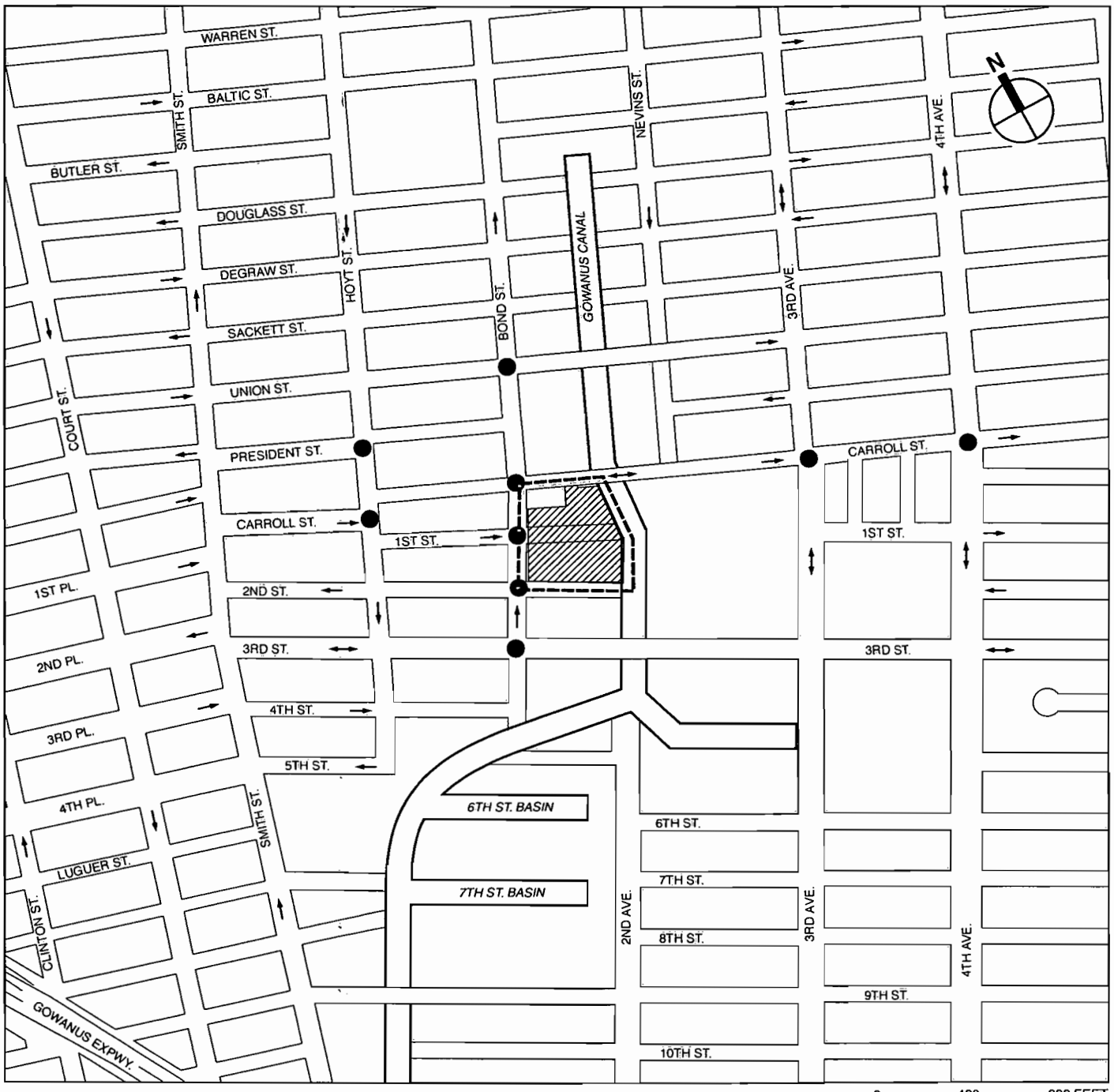
1. Define the study area proposed for the traffic analyses (see Figure 12). Nine intersections will be analyzed for impacts in the traffic study area (see Appendix I, "Trip Generation").
2. Establish existing traffic flows in the study area for the weekday AM and PM peak hours based on May 2006 field count data at study area intersections, supplemented with new traffic counts at key intersections in the study area conducted in 2008. The traffic counts were conducted according to the procedures and criteria set forth in the *CEQR Technical Manual*, and included Automatic Traffic Recorder (ATR) counts to establish daily and hourly patterns. Vehicle classification and time/delay data was collected along key corridors and will be used for the traffic analyses, as well as for the air quality and noise studies.
3. Inventory and record street widths, number of moving lanes, intersection geometries, traffic flow directions, curbside parking regulations, as well as any other items required for the traffic analyses. Acquire official signal timings from NYCDOT for the study area intersections to be analyzed.
4. Analyze the capacity of the street system in the study area using the 2000 *Highway Capacity Manual* methodologies, and the HCS 2000 Version 4.1F software. Determine the existing traffic volumes and volume-to-capacity (v/c) ratios on streets in the traffic study area during the weekday AM and PM peak hours.

5. In coordination with the land use task, determine the future development in the area and future traffic volumes without the proposed action. Determine traffic volumes, calculate v/c ratios, and identify problem intersections. Estimate future traffic volumes using existing volume information and adding incremental increase in traffic from discrete projects plus a background growth rate (of 1 percent per year for "Other Brooklyn" as specified in the *CEQR Technical Manual*). Include mitigation measures approved and accepted by NYCDOT for all No Build soft sites in the future No Build network.
6. Determine the trips generated by the proposed action and the modes of transportation used for these trips, using such sources as *Urban Space for Pedestrians* by Pushkarev & Zupan, 2000 U.S. Census Data, and any other available environmental studies for similar uses in the study area. Assign new trips to various travel modes and networks (i.e., vehicle trips, subway/bus system riders, and pedestrians).
7. Perform a traffic impact assessment with the proposed action. Assign vehicle-trips generated by the proposed actions to the network for each analysis period, and evaluate the impact on v/c ratios and delays. The impact criteria established in the *CEQR Technical Manual* will be used to identify significantly impacted locations.
8. Analyze current and future parking conditions for the midday and overnight periods. Assess available capacity and average utilization. The analysis of future conditions will reflect changes in the parking supply and any changes in accumulated parking demand generated in the future without the proposed action and with the proposed action.
9. Perform traffic safety analyses by obtaining accident data for the most recent three-year period from the New York State Department of Transportation (NYSDOT). Based on the detailed review of the accident data, improvement measures will be proposed for the problem locations.

TASK 17: TRANSIT AND PEDESTRIANS

The public transportation system and the pedestrian facilities in the area surrounding the project site and their ability to absorb the new trips from the proposed action are an important issue. Based on the preliminary trip generation estimates, it is anticipated that the proposed action would not generate sufficient transit trips to warrant detailed analysis of potential transit impacts during the AM and PM peak hours. However, a qualitative assessment of transit services (including subway service and local bus routes) in the study area will be provided including subway station conditions at the Carroll Street/Smith Street and Union Street/Fourth Avenue stations. This assessment will take into account the potential effects of any temporary closures of subway stations in the area, such as the Smith-9th Street station.

Based on the *CEQR Technical Manual* guidelines, a detailed analysis of pedestrian conditions is warranted if the proposed action would result in 200 or more peak hour pedestrian trips at a given pedestrian element (i.e., corner, crosswalk or sidewalk) in the study area. If, based on the trip-generations estimates for the proposed project, a detailed pedestrian analysis is required, an analysis will be performed for up to three intersections. This will include field surveys to inventory sidewalk, corner, and crosswalk widths, pedestrian sidewalk obstacles, and crosswalk timings, as well as other items required for pedestrian analyses. Using this data, pedestrian service conditions in the study area will be established for the Existing, No Build and Build conditions. The impact criteria established in the *CEQR Technical Manual* will be used to



Traffic Study Area
Figure 12

identify significantly impacted locations and improvement measures will be recommended to mitigate such impacts.

TASK 18: AIR QUALITY

The potential for the proposed action to result in significant adverse air quality impacts from mobile sources will be evaluated using an analysis based on procedures outlined in the *CEQR Technical Manual*. A mobile air quality source analysis is required when the proposed action is expected to result in 100 or more new vehicle trips through an intersection in the study area (the *CEQR Technical Manual* screening threshold). If the proposed project would generate approximately 100 vehicle trips at an intersection in the PM peak hour, a mobile source air quality analysis will be conducted. If required, the analysis will be conducted at the intersection where the greatest number of project-generated trips are anticipated. The air quality analysis will be performed to determine (using computerized dispersion modeling techniques) the effects of both project- and non-project-generated traffic on carbon monoxide (CO) and particulate matter ($PM_{2.5}$) levels within the study area, and, where significant project impacts are predicted to occur, feasible traffic mitigation measures to alleviate those impacts will be developed. It is anticipated that the U.S. Environmental Protection Agency (EPA)'s conservative first-level mobile source dispersion model, CAL3QHC, will be used for the CO microscale analysis and vehicular emissions will be computed with EPA's emissions model, MOBILE6.2. EPA's CAL3QHCR model will be used for the $PM_{2.5}$ analysis. Future CO and $PM_{2.5}$ pollutant levels will be compared with the appropriate thresholds, standards and the City's *de minimis* criteria, and with one another to determine trends and, more importantly, project impacts.

For stationary sources of emissions from heating, ventilation and air conditioning (HVAC) equipment, a screening analysis will be performed to determine whether emissions from any on-site fuel-fired HVAC equipment (for example, boilers or hot water heaters) from the proposed project are significant. The screening analysis will use the procedures outlined in the *CEQR Technical Manual*. The procedure involves determining the distance (from the exhaust point) within which potential significant impacts may occur, on elevated receptors (such as open windows, air intake vents, etc.) that are of an equal or greater height when compared to the height of the proposed projects HVAC exhausts. The distance within which a significant impact may occur is dependent on a number of factors, including the height of the discharges, type(s) of fuel burned and development size.

In addition, air quality impacts on the rezoning area's future residents are an issue of concern since the proposed project would be located adjacent to manufacturing uses. To address this issue, an analysis will be undertaken to determine the potential for impacts from industrial emissions from uses surrounding the project site. A field survey will be performed to determine if there are any manufacturing or processing facilities within 400 feet of the rezoning area, or large sources within 1,000 feet. In addition, a search of federal and state air permits, and the DEP's Bureau of Environmental Compliance (BEC) files will be examined to determine if there are permits for any sources of toxic air compounds from industrial processes. Based upon this information a determination will be made of whether detailed analysis of industrial stationary source air quality issues is necessary. If information on any emissions from processing or manufacturing facilities within 400 feet of the project site is on file with DEP or DEC, an industrial source analysis will be performed.

The tasks involved in the air quality analysis are as follows:

MOBILE SOURCE ANALYSIS

1. Gather existing air quality data. Collect and summarize existing ambient air quality data for the study area. Specifically, ambient air quality monitoring data published by DEC will be compiled for the analysis of existing conditions.
2. If required, perform a microscale screening mobile source analysis for carbon monoxide (CO) and $PM_{2.5}$ at a single intersection using EPA's CAL3QHC and/or CAL3QHCR model. The peak period with the greatest number of project-generated traffic will be analyzed, unless additional peak periods exceed the City's threshold for conducting an analysis.
3. Select emission calculation methodology and "worst-case" meteorological conditions. Vehicular cruise and idle emissions for the dispersion modeling will be computed using EPA's MOBILE6.2 model. For the "worst-case" analysis location, conservative meteorological conditions to be assumed in the dispersion modeling are a 1 meter per second wind speed, Class D stability, and a 0.70 persistence factor.
4. Calculate maximum 1- and 8-hour CO concentrations for existing conditions, CO and $PM_{2.5}$ concentrations for the future conditions without the project, and the future conditions with the project. No field monitoring will be included as part of this analysis.
5. Determine the consistency of the proposed project with the strategies contained in the State Implementation Plan (SIP) for the area. If violations of standards occur, analyses would be performed to determine what mitigation measures would be required to attain standards.

PARKING GARAGE ANALYSIS

6. Assess the potential impacts associated with proposed parking garages. Information on the potential design of the garages will be employed to determine potential off-site impacts from these vented emissions for the project's Build year. A temperature of 43°F will be assumed in the analysis, and a point source screening analysis will be used. Cumulative impacts from on-street sources and emissions from the parking garages will be calculated where appropriate. Compare future CO pollutant levels with standards and applicable *de minimis* criteria, to determine potential significant adverse project impacts.

STATIONARY SOURCE ANALYSES

7. Assess the potential impacts associated with the emissions from the proposed project's buildings on nearby existing buildings and nearby elements of project buildings. Given the size of the proposed project, it is expected that a screening analysis can be performed in accordance with the *CEQR Technical Manual.*

8. If the project's HVAC systems fail the screening analyses, detailed stationary source analysis will be performed using the AERMOD dispersion model. Five years of the most recent available meteorological data (2001-2005) with surface data from either JFK or LaGuardia Airport and concurrent upper air data from Brookhaven, New York, will be used for the simulation modeling. Concentrations of nitrogen dioxide, sulfur dioxide, and particulate matter will be determined and the predicted values will be compared with national and state ambient air quality standards and other relevant criteria. In the event that a violation of the standards is predicted, design measures will be examined to reduce potential concentrations of applicable pollutants to acceptable levels.

INDUSTRIAL SOURCE ANALYSES

9. A field survey will be performed to determine if there are any manufacturing or processing facilities within 400 feet or any large sources within 1,000 feet of the proposed project. If

such potential sources are identified, DEP-BEC will be contacted to determine if there are permits for any industrial facilities within these areas. In the event that no permits are available from DEP's Bureau of Environmental Compliance for a given location, but emissions are apparent, an analysis will be conducted following the guidelines outlined in the *CEQR Technical Manual.*

10. If industrial permits are identified for the area, the AERMOD dispersion model screening database will be used to estimate the short-term and annual concentrations of critical pollutants at the potential receptor sites. Predicted worst-case impacts on the project will be compared with the short-term guideline concentrations (SGC) and annual guideline concentrations (AGC) reported in DEC's DAR-1 AGC/SGC Tables (September 2007) to determine the potential for significant impacts. In the event that violations of standards are predicted, measures to reduce pollutant levels to within standards will be examined.

ODOR ANALYSIS

11. Assess the potential for significant adverse impacts from odors on sensitive receptors due to the proposed project.

TASK 19: NOISE

To assess potential noise impacts from a project, both stationary and mobile noise sources need to be considered. Stationary sources include rooftop equipment such as emergency generators, cooling towers and other mechanical equipment; mobile sources include traffic generated by the proposed project. With respect to stationary sources, the EIS will discuss the potential for noise impacts from the rooftop mechanical equipment for the proposed project, based on CEQR guidelines. The noise study will also consist of a screening analysis to determine whether the proposed project would generate enough vehicle trips to have the potential to cause a significant noise impact, and an analysis to determine the level of building attenuation required to satisfy CEQR interior noise guidelines. In most cases, a significant noise impact occurs when a project results in an increase of 3 dBA or more. From a traffic perspective, such impacts may occur when there is a doubling of baseline traffic volumes (i.e., passenger car equivalents, which also accounts for the noise characteristics of trucks and buses) on any street (once adjustments are made to account for the noise characteristics of trucks and buses). A screening analysis will be performed to see if such conditions are likely to occur. In cases where the screening analysis indicates a doubling of passenger car equivalents, the Traffic Noise Model will be used to assess impacts based on CEQR guidelines.

The *CEQR Technical Manual* provides recommended levels of building attenuation to achieve acceptable levels of interior noise (which are assumed to be 45 dBA). Because the proposed buildings would be located in a Special Mixed Use District, they would require a minimum of 35 dBA of window wall attenuation, as specified in section 123-32 of the New York City Zoning Resolution. The level of building attenuation necessary to satisfy CEQR requirements is a function of the exterior noise levels, and will be determined. Because of relatively high noise levels adjacent to the project site, any development in the area would be expected to require double-glazed windows and air conditioning to achieve acceptable interior noise levels.

Specifically, the noise analysis will include the following tasks:

1. Select appropriate noise descriptors to describe the noise environment and the impact of the proposed project, following current City criteria regarding noise descriptors. When and where appropriate, examine the L_{10} and equivalent ($L_{eq(1)}$) noise levels.

2. Select noise receptor locations for building attenuation.
3. Determine existing noise levels. Measurement will be made at each of the receptor sites to determine existing noise levels. At each site, 20-minute measurement will be made during a typical weekday AM, midday, and PM peak period. Hourly L_{eq}, L_1, L_{10}, L_{50}, and L_{90} values will be recorded.
4. Perform screening impact analysis. Using proportional modeling techniques, a screening analysis will be performed to determine if there are any locations where project-generated traffic would have the potential for causing a significant noise impact. If such locations are identified, then a detailed impact analysis will be performed.
5. Determine the level of building attenuation necessary to satisfy CEQR requirements.

TASK 20: CONSTRUCTION IMPACTS

The likely construction schedule for development on the project site will be described. This analysis will examine potential impacts of construction activities based on the guidelines presented in the *CEQR Technical Manual*. This task will focus on the technical areas of traffic and parking, air quality, noise, transit and pedestrians, hazardous materials, and natural resources/water quality. The analysis will discuss the proposed bulkhead repairs along the Gowanus Canal and the bringing in of fill material to raise grades in the middle of the site and along the Canal. An analysis of construction impacts on nearby historic resources (e.g., the Carroll Street Bridge) will also be conducted. As appropriate, other technical areas will be assessed for potential construction-related impacts. A construction protection plan for historic resources will be designed as per *CEQR Technical Manual* specifications.

TASK 21: PUBLIC HEALTH

According to the *CEQR Technical Manual*, for a site-specific project, an assessment of public health should examine the potential for health impacts on a community or certain group of individuals. The public health chapter will examine the proposed project and provide a screening level of assessment in conformance with *CEQR Technical Manual* guidelines. For determining whether a public health assessment is appropriate, the *CEQR Technical Manual* lists the following public health concerns for which a public health assessment may be warranted : increased vehicular traffic or emissions from stationary sources resulting in significant adverse air quality impacts; increased exposure to heavy metals and other contaminants in soil/dust resulting in significant adverse hazardous materials or air quality impacts; the presence of contamination from historic spills or releases of substances that might have affected or might affect ground water to be used as a source of drinking water; solid waste management practices that could attract vermin and result in an increase in pest populations; potentially significant adverse impacts to sensitive receptors from noise and odors; vapor infiltration from contaminants within a building or underlying soil that may result in significant adverse hazardous materials or air quality impacts; and actions for which any potential impacts result in an exceedance of accepted federal, state, or local standards.

If the screening assessment determines that a detailed public health assessment is warranted, the chapter will evaluate the likelihood of exposure, as well as the potential impacts of those exposures on human health due to hazardous material that may be present at the site, including any worker or resident exposure either during construction or occupancy of the proposed project; current and future water quality conditions along the Gowanus Canal, and the potential for any impacts on project residents or open space users due to water quality conditions; current air emissions, including any industrial emissions in the area and the potential to exceed air quality

standards or guidelines and impact future residents; current noise levels in the area and any exposure of residents to excessive noise levels; and solid waste and sanitation services that would be necessary to avoid public health impacts. In determining the significance of any potential effects to public health, the chapter will consider the likelihood of occurrence, characteristics of the population potentially affected, the time frame of potential exposures, latency, seriousness of the potential health effect, duration, number of persons potentially affected, and the reversibility of potential impacts.

Where any mitigation may be necessary to avoid impacts to public health, they will be described under this task as well as Task 22, "Mitigation."

TASK 22: MITIGATION

Where significant impacts have been identified in the analyses discussed above, measures will be described to mitigate those impacts. This task summarizes the findings of the relevant analyses and discusses potential mitigation measures. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

TASK 23: ALTERNATIVES

The purpose of an alternatives analysis is to examine reasonable and practicable options that avoid or reduce project-related significant adverse impacts and achieve the stated goals and objectives of the proposed project. The specific alternatives to be analyzed are typically finalized with the lead agency as project impacts become clarified. However, the alternatives analysis will include a No Action Alternative, which assumes that the proposed rezoning is not approved and the proposed project is not built, and the project parcels maintain their current uses and zoning. An As-of-Right Alternative would also be analyzed and would assume build-out of the site under current zoning. Additional alternatives, such as a Lesser Density Alternative, could be included as part of this analysis as determined by DCP. The description and evaluation of each alternative will be provided at a level of detail sufficient to allow a comparative assessment of each alternative to the impacts under the proposed project.

TASK 24: EXECUTIVE SUMMARY

Once the EIS technical sections have been prepared, a concise executive summary will be drafted. The executive summary will use relevant material from the body of the EIS to describe the proposed project, its environmental impacts, measures to mitigate those impacts, and alternatives to the proposed project. ✷

APPENDIX I

TRIP GENERATION AND PROPOSED LOCATIONS FOR TRAFFIC ANALYSIS

Appendix I: Trip Generation and Proposed Locations for Traffic Analysis

INTRODUCTION

This analysis discusses the existing traffic volumes (baseline traffic networks), travel demand characteristics, and traffic assignments to be utilized in the transportation and traffic studies for the proposed redevelopment project at 363–365 Bond Street.

TRAFFIC DATA COLLECTION

Existing traffic volumes (baseline traffic networks) for the proposed project were established based on field counts conducted in May 2006 at the study area intersections (see Figure 12 in the attached Final Scope of Work). In addition to the manual counts, Automatic Traffic Recorder (ATR) counts and vehicle classification counts were performed to supplement the field data. Supplemental counts conducted in spring 2008 were used to adjust the 2006 field data. Field inventories of roadway geometry, traffic control, bus stop presence, and parking regulations/activities were also conducted to provide the appropriate inputs to operational analyses.

TRAVEL DEMAND CHARACTERISTICS

As currently contemplated, the proposed project would consist of approximately 447 dwelling units, approximately 2,000 gsf of commercial space, approximately 2,000 gsf of community facility space, and approximately 0.7 acres of publicly accessible waterfront open space. In addition, the proposed project would provide 268 accessory parking spaces. As per the criteria established in the *CEQR Technical Manual*, a detailed traffic analysis is required when a proposed action generates 50 or more peak hour vehicle trips. Preliminary traffic demand estimates for the proposed project were developed based on the assumptions presented in Tables I-1 through I-5. Based on these estimates, the proposed development will result in approximately 80, 48, and 100 vehicle trips during the weekday AM, midday, and PM peak hours, respectively. The *CEQR Technical Manual* recommends converting the vehicular trips to passenger car equivalents (PCEs) for proposed actions that generate significant volumes of trucks and buses. Since the proposed project is primarily a residential development, which unlike industrial/manufacturing uses (such as waste transfer facilities, bus depots, and warehouse-storage facilities) would not generate a significant number of truck trips, the vehicle trips generated during the weekday peak hours are similar to PCEs and do not require conversion. Therefore, based on the *CEQR Technical Manual* criteria, a detailed analysis of traffic and transportation conditions for the weekday AM and PM peak hours is warranted. However, since the proposed project would generate less than 50 peak hour vehicle trips during the weekday midday peak hour, a detailed traffic/transportation analysis will not be warranted based on the *CEQR Technical Manual* criteria.

TRAFFIC ASSIGNMENTS

Project-generated vehicle trips were assigned to the study area intersections based on the journey-to-work information from the 2000 U.S. Census Data, the most likely routes to and from

the project site, the configuration of street network, and the location of the site's proposed access and egress points. All project-generated auto trips were routed to the project's on-site parking entrance on First Street between Bond Street and Gowanus Canal. In addition, delivery vehicles were assigned to the study area network using NYCDOT-designated truck routes. The preliminary project-generated traffic assignments are presented in Figures I-1 and I-2.

ANALYSIS LOCATIONS/TRAFFIC STUDY AREA

Based on the magnitude of project-generated vehicular activity, the following nine intersections were selected to define the study area for a detailed traffic analysis (see Figure 12 of the Final Scope):

- Third Avenue and Carroll Street;
- Third Street and Bond Street;
- Bond Street and First Street;
- Bond Street and Second Street;
- Bond Street and Carroll Street;
- Bond Street and Union Street;
- Hoyt Street and Carroll Street
- Hoyt Street and President Street; and
- Fourth Avenue and Carroll Street.

The effect of project-generated trips on the area's roadways and streets would diminish outside the traffic study area, as the trips would get distributed over a broader street network. Therefore, it is proposed that the study area with the above intersections be used for the detailed traffic analysis to determine the project-related traffic impacts.

Table I-1
Residential Trip Generation
Toll Brothers Development (447 Residential Units)

Residential Use: 447 dwelling units

Daily Person Trip Rate (1): **8.075** trips per d.u.

Temporal Distribution (2)

Weekday AM Peak Hour	9.1%
Weekday MD Peak Hour	4.7%
Weekday PM Peak Hour	10.7%

Modal Split Estimates (3) & Vehicle Occupancy (3)

Auto	22.0%
Taxi	1.0%
Bus	1.0%
Subway	68.0%
Walk/Other	8.0%
Total	**100.0%**
Auto Occupancy (2)	1.14
Taxi Occupancy (1)	1.40

Hourly In & Out Distribution (2)

	In	Out
Weekday AM Peak Hour	15.0%	85.0%
Weekday MD Peak Hour	50.0%	50.0%
Weekday PM Peak Hour	70.0%	30.0%

Peak Hour Person Trips by Mode

	Auto		Taxi		Bus		Subway		Walk/Other		Total		
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Weekday AM Peak Hour	11	61	0	3	0	3	34	190	4	22	49	279	328
Weekday MD Peak Hour	19	19	1	1	1	1	58	58	7	7	86	86	172
Weekday PM Peak Hour	59	25	3	1	3	1	184	79	22	9	271	115	386

Peak Hour Vehicle Trips

	Auto		Taxi		Deliveries(3)		Total		
	In	Out	In	Out	In	Out	In	Out	Total
Weekday AM Peak Hour	10	54	2	2	1	1	13	57	70
Weekday MD Peak Hour	17	17	2	2	1	1	20	20	40
Weekday PM Peak Hour	52	22	3	3	1	1	56	26	82

DELIVERIES: **D. Units: 447**

Delivery Trip Rate (4): **0.03** trips per d.u.

Temporal Distribution (4)

Weekday AM Peak Hour	9.7%
Weekday MD Peak Hour	7.8%
Weekday PM Peak Hour	5.1%

Hourly In & Out Distribution

Weekday AM Peak Hour	100.0 %	100.0%
Weekday MD Peak Hour	100.0%	100.0%
Weekday PM Peak Hour	100.0%	100.0%

Total Deliveries

Weekday AM Peak Hour	1	1
Weekday MD Peak Hour	1	1
Weekday PM Peak Hour	1	1

Notes:

(1) *CEQR Technical Manual*

(2) Pushkarev & Zupan, *Urban Space for Pedestrians* (1975).

(3)U.S. Department of Commerce, Bureau of the Census, *2000 Census of Population and Housing*

(4) Wilbur Smith and Associates, *Motor Trucks in the Metropolis.*

Table I-2
CommercialTrip Generation

Commercial Use: **2,000** **square feet**

Daily Person Trip Rate (1): **205** trips per 1,000 square feet

Temporal Distribution (2)

Weekday AM Peak Hour	3.1%
Weekday MD Peak Hour	19.0%
Weekday PM Peak Hour	9.6%

Modal Split Estimates (2) & Vehicle Occupancy (2)

Mode	Weekday
Auto	2.0%
Taxi	3.0%
Bus	5.0%
Subway	20.0%
Walk/Other	70.0%
Total	**100.0%**
Auto Occupancy	2.00
Taxi Occupancy	2.00

Hourly In & Out Distribution (2)

	In	Out
Weekday AM Peak Hour	50.0%	50.0%
Weekday MD Peak Hour	50.0%	50.0%
Weekday PM Peak Hour	50.0%	50.0%

Peak Hour Person Trips by Mode

	Auto		Taxi		Bus		Subway		Walk/Other		Total		
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Weekday AM Peak Hour	0	0	0	0	0	0	1	1	5	5	6	6	12
Weekday MD Peak Hour	1	1	1	1	2	2	8	8	27	27	39	39	78
Weekday PM Peak Hour	0	0	1	1	1	1	4	4	14	14	20	20	40

Peak Hour Vehicle Trips

	Auto		Taxi		Deliveries(1)		Total		
	In	Out	In	Out	In	Out	In	Out	Total
Weekday AM Peak Hour	0	0	0	0	0	0	0	0	0
Weekday MD Peak Hour	0	0	2	2	0	0	2	2	4
Weekday PM Peak Hour	0	0	2	2	0	0	2	2	4

DELIVERIES: **Commercial:** **2,000** **square feet**

Delivery Trip Rate (2): **0.35** trips per 1,000 sq. ft.

Temporal Distribution (2)

Weekday AM Peak Hour	8.0%
Weekday MD Peak Hour	11.0%
Weekday PM Peak Hour	2.0%

Hourly In & Out Distribution

Weekday AM Peak Hour	100.0%	100.0%
Weekday MD Peak Hour	100.0%	100.0%
Weekday PM Peak Hour	100.0%	100.0%

Total Deliveries

	In	Out
Weekday AM Peak Hour	0	0
Weekday MD Peak Hour	0	0
Weekday PM Peak Hour	0	0

Notes:
(1) *CEQR Technical Manual*
(2) *Atlantic Yards: Redevelopment Project Final Environmental Impact Statement (FEIS)* (2006)

Table I-3
Community Facility Trip Generation

Daycare Use: 2,000 square feet

Daily Person Trip Rate (1): **138** trips per 1,000 square feet

Temporal Distribution (1)

Weekday AM Peak Hour	16.0%
Weekday MD Peak Hour	5.0%
Weekday PM Peak Hour	19.0%

Modal Split Estimates (1) & Vehicle Occupancy (1)

Mode	Weekday
Auto	38.0%
Taxi	2.0%
Bus	10.0%
Subway	20.0%
Walk/Other	30.0%
Total	**100.0%**
Auto Occupancy	1.65
Taxi Occupancy	1.40

Hourly In & Out Distribution (1)

	In	Out
Weekday AM Peak Hour	53.0%	47.0%
Weekday MD Peak Hour	50.0%	50.0%
Weekday PM Peak Hour	47.0%	53.0%

Peak Hour Person Trips by Mode

	Auto		Taxi		Bus		Subway		Walk/Other		Total		
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
Weekday AM Peak Hour	9	8	0	0	2	2	5	4	7	7	23	21	44
Weekday MD Peak Hour	3	3	0	0	1	1	1	1	2	2	7	7	14
Weekday PM Peak Hour	9	11	0	1	2	3	5	6	9	7	25	28	53

Peak Hour Vehicle Trips

	Auto		Taxi		Deliveries(1)		Total		
	In	Out	In	Out	In	Out	In	Out	Total
Weekday AM Peak Hour	5	5	0	0	0	0	5	5	10
Weekday MD Peak Hour	2	2	0	0	0	0	2	2	4
Weekday PM Peak Hour	6	6	1	1	0	0	7	7	14

DELIVERIES: Daycare 2,000 square feet

Delivery Trip Rate (1): **0.14** trips per 1,000 sq. ft.

Temporal Distribution (1)

Weekday AM Peak Hour	9.6%
Weekday MD Peak Hour	11.0%
Weekday PM Peak Hour	1.0%

Hourly In & Out Distribution

Weekday AM Peak Hour	50.0%	50.0%
Weekday MD Peak Hour	50.0%	50.0%
Weekday PM Peak Hour	50.0%	50.0%

Total Deliveries

Weekday AM Peak Hour	0	0
Weekday MD Peak Hour	0	0
Weekday PM Peak Hour	0	0

Notes:
(1) *No. 7 Subway Extension—Far West Midtown Manhattan Rezoning FEIS* (2004)

Table I-4
Waterfront Open Space Trip Generation

0.70	Acres

Daily Trip Rates (1):

Person Trips:		139	Trips per acre	

Modal Split (2):

	Auto	Taxi	Subway	Bus	Walk Only	Other	Total	
AM/Midday/PM	**5.0%**	**5.0%**	**5.0%**	**5.0%**	**80.0%**	**0.0%**	**100%**	

Vehicle Occupancy (1):

	Auto	Taxi	
AM/Midday/PM	**2.00**	**2.00**	Persons per Vehicle

Temporal Trip Distribution (1,3):

	Person Trips		
	Total	In	Out
AM Peak Hour	**7.0%**	**50.0%**	**50.0%**
Midday Peak Hour	**17.0%**	**50.0%**	**50.0%**
PM Peak Hour	**14.0%**	**50.0%**	**50.0%**

Person Trips (Unfactored)

	Auto		Taxi		Subway		Bus		Walk Only		Other		Total	
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
AM Peak Hour	0	0	0	0	0	0	0	0	3	3	0	0	3	3
Midday Peak Hour	0	0	0	0	0	0	0	0	7	7	0	0	7	7
PM Peak Hour	0	0	0	0	0	0	0	0	5	5	0	0	5	5

Taxi Trips

	Demand		Shared Trips		Inbound Only		Outbound Only		Total Trips	
	In	Out	In	Out	In	Out	In	Out	In	Out
AM Peak Hour	0	0	0	0	0	0	0	0	0	0
Midday Peak Hour	0	0	0	0	0	0	0	0	0	0
PM Peak Hour	0	0	0	0	0	0	0	0	0	0

Vehicle Trips by Mode and Distribution

	Auto		Taxi		Total	
	In	Out	In	Out	In	Out
AM Peak Hour	0	0	0	0	0	0
Midday Peak Hour	0	0	0	0	0	0
PM Peak Hour	0	0	0	0	0	0

Notes:
The shore public walkway was assumed to have a modal split similar to commercial use.

(1) New York City Mayor's Office of Environmental Coordination *City Environmental Quality Review Technical Manual* (December 2001)

(2) New York City Department of City Planning, *Retail and Industrial Zoning Text Amendments: Final Generic Environmental Impact Statement* (1996)

(3) AKRF Assumption

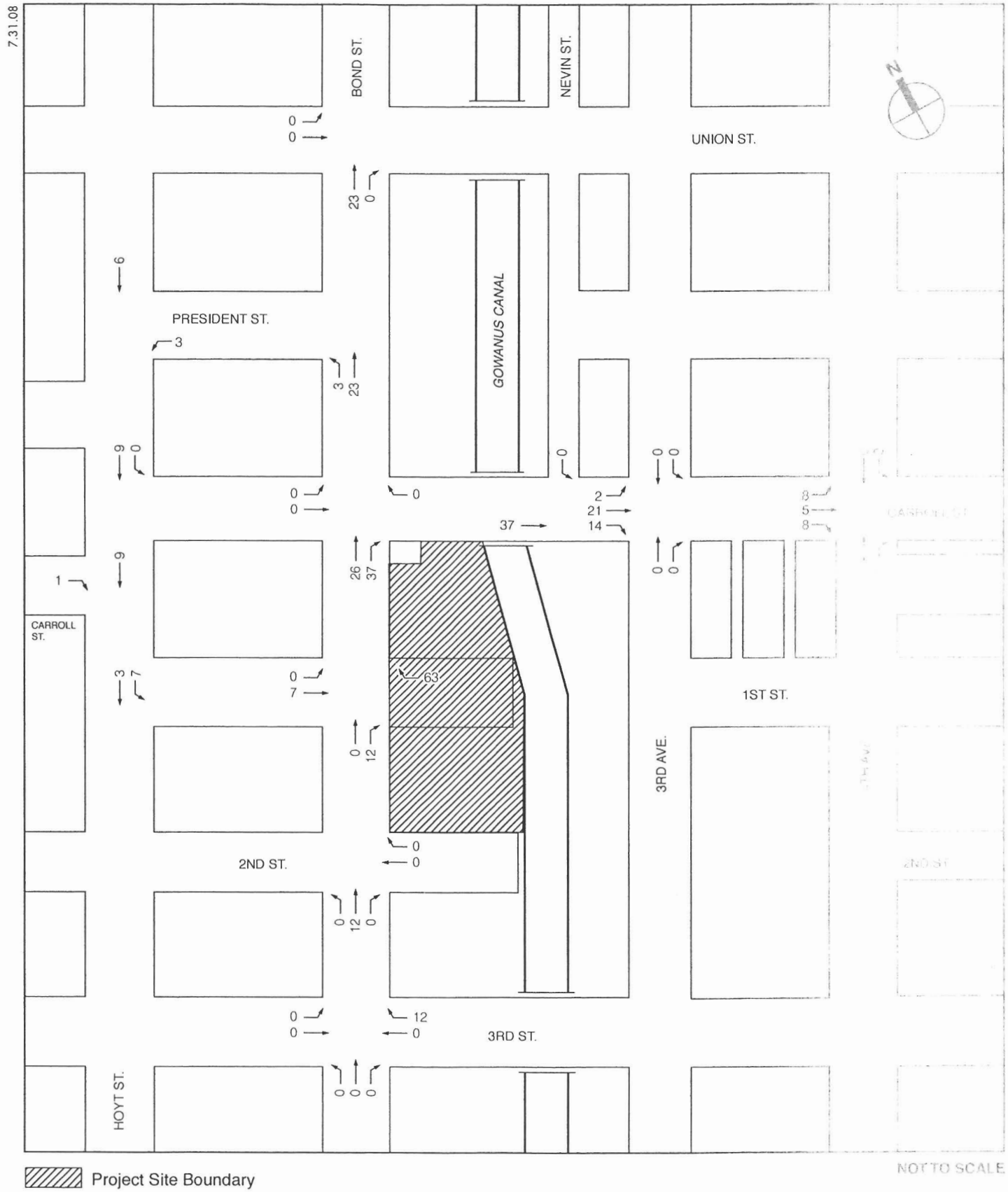
Table I-5
Total Project-Generated Trips
Person Trips by Mode

Analysis Period and Use	Auto		Taxi		Bus		Subway		Walk/Other		Total		
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	Total
AM PEAK PERIOD													
Residential	11	61	0	3	0	3	34	190	4	22	49	279	328
Commercial	0	0	0	0	0	0	1	1	5	5	6	6	12
Daycare	9	8	0	0	2	2	5	4	7	7	23	21	44
Waterfront Open Space	0	0	0	0	0	0	0	0	3	3	3	3	6
TOTAL	**20**	**69**	**0**	**3**	**2**	**5**	**40**	**195**	**19**	**37**	**81**	**309**	**390**
MIDDAY PEAK PERIOD													
Residential	19	19	1	1	1	1	58	58	7	7	86	86	172
Commercial	1	1	1	1	2	2	8	8	27	27	39	39	78
Daycare	3	3	0	0	1	1	1	1	2	2	7	7	14
Waterfront Open Space	0	0	0	0	0	0	0	0	7	7	7	7	14
TOTAL	**23**	**23**	**2**	**2**	**4**	**4**	**67**	**67**	**43**	**43**	**139**	**139**	**278**
PM PEAK PERIOD													
Residential	59	25	3	1	3	1	184	79	22	9	271	115	386
Commercial	0	0	1	1	1	1	4	4	14	14	20	20	40
Daycare	9	11	0	1	2	3	5	6	9	7	25	28	53
Waterfront Open Space	0	0	0	0	0	0	0	0	5	5	5	5	10
TOTAL	**68**	**36**	**4**	**3**	**6**	**5**	**193**	**89**	**50**	**35**	**321**	**168**	**489**

Vehicle Trips by Type

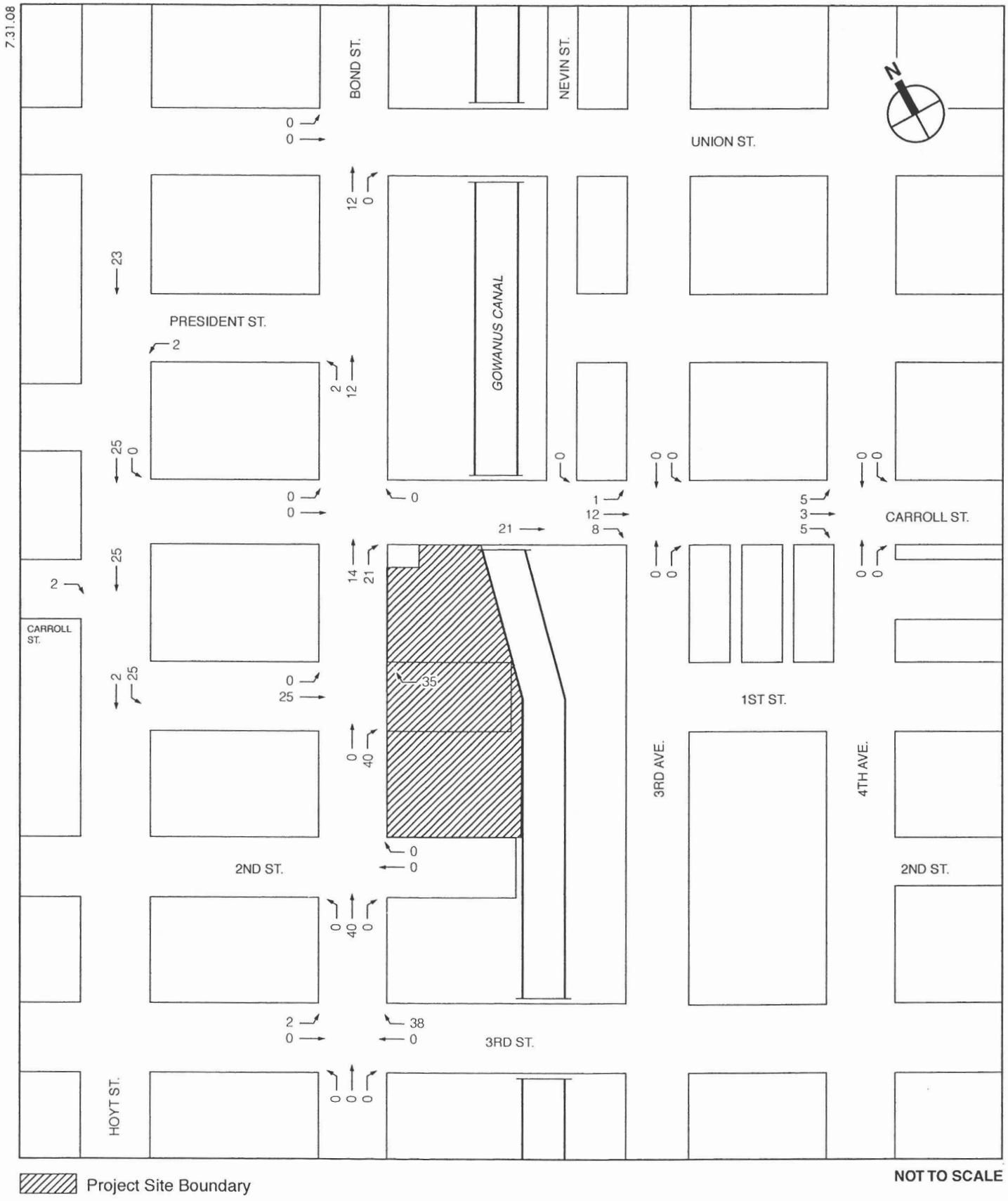
Analysis Period and Use	Auto		Taxi		Delivery		Total		
	In	Out	In	Out	In	Out	In	Out	Total
AM PEAK PERIOD									
Residential	10	54	2	2	1	1	13	57	70
Commercial	0	0	0	0	0	0	0	0	0
Daycare	5	5	0	0	0	0	5	5	10
Waterfront Open Space	0	0	0	0	0	0	0	0	0
TOTAL	**15**	**59**	**2**	**2**	**1**	**1**	**18**	**62**	**80**
MIDDAY PEAK PERIOD									
Residential	17	17	2	2	1	1	20	20	40
Commercial	0	0	2	2	0	0	2	2	4
Daycare	2	2	0	0	0	0	2	2	4
Waterfront Open Space	0	0	0	0	0	0	0	0	0
TOTAL	**19**	**19**	**4**	**4**	**1**	**1**	**24**	**24**	**48**
PM PEAK PERIOD									
Residential	52	22	3	3	1	1	56	26	82
Commercial	0	0	2	2	0	0	2	2	4
Daycare	6	6	1	1	0	0	7	7	14
Waterfront Open Space	0	0	0	0	0	0	0	0	0
TOTAL	**58**	**28**	**6**	**6**	**1**	**1**	**65**	**35**	**100**

*



2011 Project Generated Traffic Volumes
Weekday AM Peak Hour
Figure 1-1

363-365 BOND STREET



2011 Project Generated Traffic Volumes
Weekday PM Peak Hour
Figure I-2

363-365 BOND STREET

APPENDIX II

RESPONSE TO COMMENTS ON THE DRAFT SCOPE

A. INTRODUCTION

This document summarizes and responds to comments on the 363-365 Bond Street Environmental Impact Statement (DEIS) Draft Scope of Work (Draft Scope). Oral comments were received during the public meeting held by the New York City Department of City Planning (DCP) on March 13, 2008. Written comments were received through March 24, 2008.

Section B alphabetically lists the elected officials, community boards, government agencies, organizations, and individuals that provided relevant comments on the Draft Scope. Section C summarizes these relevant comments and responds to each of them. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally follow the chapter structure of the DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

A number of commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Others suggested editorial changes. Where relevant and appropriate, these edits as well as other substantive changes to the Draft Scope have been incorporated into the Final Scope.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE

ELECTED OFFICIALS, GOVERNMENT AGENCIES, AND COMMUNITY BOARDS

1. Community Board 6, Brooklyn, written comments on the draft scope (CB6)
2. Martin Connor, State Senator, written comments on the draft scope (Connor)
3. Bill de Blasio, New York City Council Member, comments made at public meeting (Council Member de Blasio)
4. Craig Hammerman, District Manager Community Board 6, Brooklyn, comments made at public meeting (Hammerman CB6)
5. New York City Department of Environmental Protection, written comments on the draft scope (DEP)
6. New York City Department of Parks and Recreation, written comments on the draft scope (DPR)
7. Office of the Brooklyn Borough President, written comments on the draft scope (BBPO)

ORGANIZATIONS AND INTERESTED PUBLIC

8. Coalition for Responsible Redevelopment of the Gowanus Canal, written comments on the draft scope (CRRGC)
9. Gowanus Canal Conservancy, written comments on the draft scope, (GCC)
10. Gowanus Canal Community Development Corporation, written comments on the draft scope, (GCCDC)
11. Gowanus Dredgers Canoe Club, written comments on draft scope (GDCC)
12. Hudson Riverkeeper Natural Resources Defense Council, New York/New Jersey Baykeeper, written comments on the draft scope, (Riverkeeper)
13. Jennifer Barrett, New York Industrial Retention Network, comments made at public meeting (NYIRN)
14. Carroll Sackett Neighbors Alliance, written comments on the draft scope, signatories: Chris McVoy, Beth O'Neill, Don Koosis, Benjamin Ellis, Marlene Donnelly, Barin Bonnet, Scott Lahde, Uwe Schreiner, Svea Vocke, Gulliver Shepard, Wendy Cronk, Blake Taylor (CSNA)
15. Carroll Gardens Neighborhood Association, written comments on the draft scope, (CGNA)
16. The Society for the Architecture of the City, written comments on the draft scope, (SAC)
17. South Brooklyn Local Development Corporation, written comments on the draft scope, (SBLDC)
18. The Mill at President Street Condominiums, written comments on the draft scope, (MPSC)
19. Friends and Residents of the Greater Gowanus, written comments on the draft scope, (FROGG)
20. Friends of Bond Street, written comments on the draft scope, (FOB)
21. Coalition for Responsible Development, written comments on the draft scope, (CORD)
22. Central Brooklyn Independent Democrats, written comments on the draft scope, (CBID)
23. Municipal Arts Society, written comments on the draft scope, (MAS)
24. Ken Baer, comments made at public meeting (Baer)
25. David Briggs, comments made at public meeting (Briggs)
26. Barbara Brookhart, comments made at public meeting (Brookhart)
27. Diane Buxbaum, comments made at public meeting (Buxbaum)
28. Lucy De Carlo, written comments on draft scope, (De Carlo)
29. Ken Diamondstone, comments made at public meeting (Diamondstone)
30. Richard Weisfeld, comments made at public meeting (Weisfeld)
31. Bridget Donnellan, comments made at public meeting (Donellan)

32. Marlene Donnelly, FROGG, comments made at public meeting (Donnelly)
33. Ben Ellis, FROGG, comments made at public meeting, (Ellis)
34. Matt S. Fenton, written comments on the draft scope, (Fenton)
35. Andrew Gordon, comments made at public meeting, (Gordon)
36. Mary Habstritt, Society For Industrial Archeology, comments made at public meeting (Habstritt)
37. John Hatheway, Carroll Gardens Neighborhood Association, comments made at public meeting (Hatheway)
38. Mary Hedge, comments made at public meeting (Hedge)
39. Paul Heller, Park Slope Neighbors, comments made at public meeting (Heller)
40. Anne Joseph, Union/Sackett Street Block Association, comments made at public meeting (Joseph)
41. Mark Kolman, Selectively Evolving Environments, comments made at public meeting (Kolma)
42. Justin Kray, Pratt Center For Community Development, comments made at public meeting
43. Brad Lander, Coalition for Responsible Redevelopment of the Gowanus Canal (CRRGC), comments made at public meeting (Lander)
44. James Lodge, , written comments on the draft scope, (Lodge)
45. Eric McClure, Park Slope Neighbors, written comments on the draft scope (McClure PSN)
46. Lisanne McTernan, written comments on draft scope (McTernan)
47. Chris McVoy, comments made at public meeting (McVoy)
48. Nancy Meakem written comments on draft scope (Meakem)
49. Rita Miller, comments made at public meeting (Miller)
50. Lizzie Olesker, Friends of Bond, comments made at public meeting, written comments on the draft scope, (Olesker)
51. Marilyn Oliva, written comments on the draft scope, (Oliva)
52. Micha Riss, comments made at public meeting (Riss)
53. Karla Roberts, Friends of Bond, written comments on the draft scope, (Roberts)
54. Mike Salvatore, Friends Of Bond/FROGG, comments made at public meeting (Salvatore)
55. Salvatore "Buddy" Scotto, Carroll Gardens Association, comments made at public meeting (Scotto)
56. Mark Shames, comments made at public meeting (Shames)
57. Josh Skaller, comments made at public meeting (Skaller)

58. Steven Skollar, comments made at public meeting (Skollar)
59. Daniel Squadron, comments made at public meeting (Squadron)
60. Joe Rodriguez., comments made at public meeting (Rodriguez)

C. COMMENTS AND RESPONSES

PROJECT REVIEW PROCESS AND PUBLIC PARTICIPATION

Comment 1: The 10-day period for written comments includes two successive weekend holidays, with religious holidays in between. It does not give working people either a weekend or evenings in order to collect thoughts and make written comments. (FROGG, FOB, CORD, CGNA, CBID, Skaller)

Response: CEQR/SEQR rules provide for a 10-day period after the scoping meeting. The scoping hearing was held on March 13th, 2008. The comment period was extended to account for possible submissions on the first business day following the end of the 10-day period.

Comment 2: The EAS statement for this project gives the site address as 351-379 Bond Street. The project was then named 363-365 Bond Street. None of these numbers are posted on any of these buildings. It is impossible for the community to identify the site by such nomenclature. Many community members interested in attending the Scoping Hearing were unable to locate the documents from the DCP. The project is known in the community as the Toll Brothers Site, or by reference to the Gowanus Canal. By publicizing the Draft Scope in this manner, many in the community had no awareness that this Scoping Hearing was taking place. (FROGG, FOB, CORD, CGNA, CBID, Buxbaum)

Response: The EAS for the proposed project identifies the project site as 363-365 Bond Street. It also provides a site map and Block and Lot numbers for the project site. The Scope of Work was published on the DCP website on February 11, 2008. In addition, although not required under CEQR, a public notice for the scoping meeting was published in the New York Post on March 3, 2008. The public notice identifies a proposal by Toll Brothers Inc. in connection with the redevelopment of Blocks 452 and 458 in Brooklyn, or 363-365 Bond Street. The public notice provides information on how to obtain the Draft Scope of Work for the Toll Brother's Inc. proposal, including through DCP's website, directly through DCP's offices, or through the Office of Environmental Coordination. Street addresses and telephone numbers are also provided. Thus any interested party could both identify the site and have notice of the scoping meeting.

GENERAL COMMENTS

Comment 3: The Gowanus community is not the Carroll Gardens community as the Department of City Planning's description of the project in the positive declaration reads. (Hammerman CB6)

Response: Comment noted. The Scope has been revised to clarify that the proposed project is located within the Gowanus community.

Comment 4: The proposal is not consistent with the goals of the Department of City Planning's Gowanus Canal Corridor Planning Framework. (CB6)

The proposal is premature. Any decision on the site-specific zoning should be deferred until the appropriate complex and lengthy public review of the entire Gowanus area-wide rezoning is carried out. This would allow the impact of this proposed development to be examined within the context of the more expansive redevelopment plans for the entire area. (GCC, GCCDC, CSNA, Heller, Miller, McVoy, Lander, Squadron, Habstritt, Weisfeld)

The special application to rezone this parcel will quickly set precedent for the Gowanus basin. Should your authority grant legitimacy to this rezoning application, thereby rendering the property exempt from the previous statute, it would then be unfair and perhaps even illegal to not then extend this privilege to neighboring property owners. (Kray, Diamondstone)

The proposed "Spot Rezoning" of 363-365 Bond Street puts the cart before the horse. Since the City Planning Commission (CPC) is contemplating a rezoning of the entire area, it makes no sense to weigh a rezoning for a tiny portion of the area in advance of a broader decision. By agreeing to pursue a rezoning of the parcel at 363-365 Bond Street, the CPC would set a precedent for the entire area without adequately considering all the impacts inherent in an area-wide rezoning. Furthermore, given the heightened environmental sensitivity of the Gowanus Canal and its environs, resulting from more than a century of industrial uses absent any environmental stewardship, an environmental Master Plan, developed by multiple Federal, State and City agencies, should be put into place prior to any rezoning actions, whether comprehensive or on a spot basis. Given overlapping or conflicting jurisdictions among the Federal Environmental Protection Administration, the Army Corps of Engineers, the State Department of Environmental Conservation, the City Department of Environmental Protection and the City Planning Commission, it's imperative that the work of these disparate agencies be coordinated, with an overarching goal of restoring the canal's ecology as completely as possible. With the city and state committed to spending upwards of $200 million to improve the quality of the canal's water, it makes no sense for CPC to act independently, especially as a decision to allow

this project could potentially contravene the goals of the water-quality effort through the disturbance of potentially highly toxic soil. (McClure PSN)

The City Planning Commission should provide projections on the impact on the schools, the City infrastructure, the subway, urban design because you cannot look at this project in isolation. If the Gowanus Corridor Study results ultimately deem that densities and a configuration such as this document proposes are indeed environmentally sound, appropriate and beneficial to the entire overall area, then Toll Brothers will get their green light at that time. (Miller)

It is the choice of the developer to propose this development in advance of the area-wide rezonings. This should not allow this developer to avoid responsibility and participation in the inevitable improvements and mitigation that will be required by the larger Gowanus rezoning. (Heller, McClure PSN, Miller, McVoy, Council Member de Blasio, Lander, Squadron, Riverkeeper, MPSC)

Response: The proposed action is a specific zoning proposal with independent utility that may proceed in advance of any potential future area-wide rezoning of the Gowanus Canal corridor, consistent with environmental and land use requirements. In addition, the lead agency has determined that, pursuant to NYCRR Section 617.3(g)(1), to the extent that an area-wide rezoning proposal for the Gowanus Canal corridor is proposed for consideration by the City Planning Commission during the same timeframe as the consideration of the proposed action, environmental review of the proposed action may be permissibly segmented from any such review of a plan for the larger Gowanus Canal corridor. See the Revised Positive Declaration, dated August 29, 2008.

With respect to impact analysis, the CEQR process ensures that a full analysis of the applicant's proposal's impacts on schools, infrastructure, the subway and urban design as well as other impact categories will be undertaken. CEQR also ensures that mitigation is identified for any significant adverse impacts caused by the applicant's proposal. In addition, development under the proposed action would be reflected and accounted for in the "Future No Build" baseline analysis that would be undertaken in connection with environmental review of any future potential area-wide rezoning, resulting in assessment of the cumulative impacts of both actions.

Comment 5: Reconsider the notion of building alongside the Gowanus Canal at all. (Ellis)

Response: Comment noted.

Comment 6: No development until we cleanup the canal, brownfields, the CSOs. (Heller)

The Gowanus Canal also requires significant dredging, environmental cleanup and storm water infrastructure before it can become deemed a residential asset. (Kray)

Response: As discussed in the Scope, the environmental consequences of the proposed project will be evaluated in the EIS. The EIS will present the existing conditions of the project site, the infrastructure that serves the project site, and existing conditions of the canal. The EIS will also discuss remediation plans as part of the proposed project, the proposed infrastructure improvements and the potential for impacts on the existing infrastructure, the potential for impacts to natural resources including the canal, and future City and State initiatives aimed at improving the water quality of the Gowanus Canal.

Comment 7: We need affordable housing and senior housing so we're going to have to take some higher rise housing. We already have higher rise housing in and around the periphery of Carroll Gardens. The Toll Brothers proposed development at 363 Bond Street will be the first of a number of developments and extensive changes to the area and will set a precedent for future development along the canal. We recognize the positive aspects of the development plans, including the inclusion of affordable housing and open space. (Scotto, NYIRN, Shames, Council Member de Blasio)

Response: Comment noted.

Comment 8: Non-contextual, large and bulky buildings not only affect the aesthetics of our area—there are also concerns about overcrowding, transportation, sanitation, education and various other facets of the area's infrastructure. (Joseph, Council Member de Blasio, Hedge)

Response: As described in the Scope, the EIS will address the potential environmental impacts from the proposed project, including those related to Socioeconomic Conditions, Community Facilities, Urban Design and Visual Resources, Neighborhood Character, Traffic and Transportation, and Infrastructure.

Comment 9: Provide more specific detail on the following issues: water retention, shadowing over the canal and structural integrity of the Carroll Street Bridge, a city landmark. (GCC)

Response: As described in the Scope, the EIS will describe the proposed project's stormwater management plan, the potential for shadow impacts from the proposed project, and measures to avoid impacts on architectural resources such as the Carroll Street Bridge.

Comment 10: What is the City's obligation, financially and otherwise, what is the developer's obligation and what is the timeline, with regards to community facilities and infrastructure? (Council Member de Blasio)

Response: The proposed space for community facility use is being built and sponsored by the applicant as part of the proposed project. Proposed infrastructure

improvements would be the responsibility of the applicant, as well as any mitigation that may be identified as necessary.

DEIS ANALYSIS FRAMEWORK

Comment 11: The DEIS must comply with SEQRA and CEQR. (Riverkeeper)

Response: As discussed in the Scope, the DEIS will comply with SEQRA and CEQR.

Comment 12: The RWCDS and proposed mitigation should include developments that are likely to take place beyond the build year. (CRRGC)

Response: Under CEQR/SEQRA, developments beyond the build year are not considered for the purposes of an EIS analysis.

Comment 13: The proposal build year of 2011 is overly optimistic given the application reviews, and the federal, state and city permits that need to be obtained and the requirement to remediate the site prior to proceeding with building construction. Therefore, the build year should be 2012 at the earliest. (BBPO)

Response: The applicant anticipates that the proposed project, if the actions are approved, would be developed and occupied in 2011.

Comment 14: With regard to No Build conditions, consider an option that maintains the current zoning and disclose what the likely use would be for all properties under the existing zoning, should the Project not move forward. (GDCC)

Response: As discussed in the Scope, the EIS will assume that in the Future Without the Proposed Project (No Build conditions), the project site would retain its current zoning and the conditions currently present on the project site (i.e., limited industrial use) would remain the same. In addition, as part of the Alternatives analysis, the EIS will include an As-of-Right Alternative, which will be analyzed assuming build-out of the project site under current zoning.

Comment 15: The EIS should study a scenario where the zoning map change is denied, as specifically separate from the "No Build," especially with regard to industrial retention, and retention of existing affordable rental units in the 1-5 family unregulated residences that predominate the area. (FROGG)

Response: See Response to Comment 14.

Comment 16: A greater cumulative impact of proposed development and a greater radius of analysis (½ mile consistently) need to be analyzed. (NYIRN, GCCDC, Shames, Squadron, Riverkeeper, Diamondstone, CB6, MPSC)

The study area should be expanded from ¼ mile to the full Gowanus Canal corridor, as it is defined by DCP's Land Use Framework. (Roberts)

Why is the study area being limited to a ¼-mile perimeter around the project site? The Draft Scope of Work provides no support or discussion as to why this perimeter has been chosen. A quarter-mile is inadequate. By limiting the study area to a quarter-mile, the Scope of Work would fail to include the significant population changes inherent in the Fourth Avenue upzoning, as well as the tremendous effects of the planned Atlantic Yards project. At a minimum, the study area for this project should be a ½-mile study perimeter. If the *CEQR Technical Manual* recommends a ½-mile study perimeter for the Socioeconomic and Open Space tasks, a ½-mile study area should be used throughout. (McClure PSN)

The ¼-mile radius on the map is inaccurate. Six to eight more corners including Smith Street at President and Union Streets should be included. (Fenton)

Response: To address comments received at the scoping meeting, the Scope has been revised to include an expanded land use study area, bounded by Wyckoff Street to the north, 4th Avenue to the east, 12th Street to the south, and Smith Street to the west (roughly ½ mile north and south of the project site, and ¼ mile east and west of the project site). This expanded study are includes Smith Street at President and Union Streets.

Comment 17: Modify Table 1: Developments Proposed for the Project Study Area by 2011 to reflect a reasonable worst case scenario. (BBPO)

Response: Table 1 in the Scope has been revised to include additional projects to reflect an expanded land use study area.

Comment 18: The DEIS must not rely on arbitrary or suspiciously convenient thresholds. If the project does not trigger DEIS thresholds it should not mean that Toll Brothers do not contribute to area-wide solutions. (NYIRN, GCCDC, Shames, Squadron)

Response: Thresholds used in determining the significance of environmental impacts will be based on the guidance provided in the *CEQR Technical Manual*.

Comment 19: Why would CPC limit analysis of the project to projection completion year of 2011? Just because certain projects, such as Public Place, might not be completed by 2011, it does not make sense to *not* study their potential impact, unless, of course, the decision is intended to *minimize* the appearance of those impacts in order to help shepherd the project through the approval process. If CPC does eventually rezone the entire area—and if this project is indicative of what such a rezoning might entail—the impact on the area would be tremendous. This must be taken into account in analyzing this project.

Furthermore, given current market conditions, not to mention the delays that many projects of this scale routinely experience, it is unrealistic to expect that this project would be complete by 2011, especially given the toxic nature of much of the land adjacent to the Gowanus Canal (the Whole Foods project at 3rd Street and 3rd Avenue is already years behind schedule, even without having to go through CEQR. A more realistic target date would be 2014. (McClure PSN)

According the current Draft Scope of Work, only projects that will be completed by 2011 will be taken into account in the EIS. This is unacceptable. The EIS Framework should include the cumulative impact of other proposed developments within the Corridor, including the Public Place site and other residential developments that we can assume will be developed based upon the parameters that DCP has already outlined for the rezoning. By ignoring these cumulative developments, the study will not adequately address the strain that will no doubt be placed on our roads, sewage system, schools and public transportation. We need to understand exactly what "affordable" means, and how the Toll Brothers determined this "affordability." There will be secondary displacement as the higher income residents that this project is courting, helps to raise property values forcing families and businesses out that are unable to pay rising rents in addition to having fewer and fewer patrons. (Roberts)

Response: The applicant anticipates that the proposed project, if the actions are approved, would be developed and occupied in 2011. Under CEQR/SEQRA, developments beyond the build year are not considered for the purposes of an EIS analysis. As stated in the Scope, projects such as Public Place and the area-wide rezoning proposal currently being studied by DCP, will not be complete by 2011, and thus will not be considered in the EIS. However, as these and other projects move independently through the environmental review process, they will be required to account for the impacts of this proposed project in their cumulative impact analyses. Thus the total impacts of all projects in the area will be analyzed.

Under the proposed project, consistent with City requirements, affordable housing for low-income households is defined as up to 80 percent of U.S. Department of Housing and Urban Development (HUD) income limits.

PROJECT DESCRIPTION

Comment 20: The Gowanus area is characterized as underutilized. We believe that the current Gowanus Canal area is at an acceptable utilization capacity. (Hedge)

Response: Comment noted.

Comment 21: Please avoid descriptions like mixed-use. Based on the percentages of proposed building square feet distributed over the proposed residential, commercial, and

community facility spaces, this project is no more mixed use than a typical residential building with common recreation space in the basement. (FROGG)

Response: The Scope uses the term "mixed-use" in reference to the district being proposed by the applicant. As stated in the Scope, as a result of the proposed actions the project site would be rezoned from an M2-1 district to a Special Mixed-Use District (MX): M1-4/R7-2. This rezoning would allow the redevelopment of the project site for the applicant's proposed project, which would be predominantly residential (approximately 526,593 square feet with an additional 53,640 square feet of parking). Supporting the residential development would be approximately 2000 square feet of commercial space and another 2000 square feet of community facility space. According to DCP's *Zoning Handbook* (page 108), a "building that contains any combination of uses is often referred to as a mixed-use building." In addition, mixed use districts allow new residential and non-residential (commercial, community facility and light industrial) uses as-of-right. Mixed-use districts allow mixed-use developments such as the one proposed by the applicant, without requiring a specific mix in specific amounts. All uses on the project site will be above-grade.

Comment 22: Confirm with Brooklyn DCP if the Whole Foods Market project noted in Table 1 is still active. (DPR)

Response: The Whole Foods Market project has been confirmed with Brooklyn DCP as still active.

Comment 23: Please clarify the number of units along with the breakdown of number of bedrooms and bathrooms. (MPSC)

Response: Although the total number of dwelling units is not governed by the proposed discretionary approvals, the applicant is proposing approximately 447 residential units, which would include up to 130 units of affordable housing for low-income households. As the project is in the early stage of design, a breakdown of the number of bedrooms and bathrooms is not available at this time.

Comment 24: Why are the two city-owned parcels on Block 452 being included in the area to be rezoned? If they're not part of the project, they should not be included. (McClure PSN)

Response: The two City-owned parcels within the area to be rezoned are occupied by an Emergency Medical Services (FDNY) facility and infrastructure associated with the Carroll Street Bridge. These parcels are being included to be consistent with the zoning of the entire two blocks. The rezoning would have no effect on either the EMS facility or the Carroll Street Bridge, as both would be allowable uses under the proposed zoning.

Comment 25: While the description of "Purpose and Need" describes how the proposed project would support the three land-use goals of PlaNYC, it does not address how it would further the other goals of PlaNYC, or if it might actually contravene some of those goals. It further states that the proposed project would meet certain goals "within the context of the urban design objectives of siting lower-rise structures along Bond Street." There is no citation as to the source of these "urban design objectives," or what they are. Whose objectives are they, and why are they objectives? Is there also a concurrent, yet unstated, objective of siting taller structures along the canal? The "purpose and need" of this project is defined in such a way as to justify the end—building the project proposed by Toll Brothers. Finally, the Draft Scoping document states "the project would implement goals of protecting historic waterfront structures by avoiding impacts on the landmarked Carroll Street Bridge." This is meaningless, since *avoidance* of impacts does not equate with *implementation* of preservation goals. (McClure PSN)

Response: The applicant's stated goals are presented in the Scope, and along with a description of how they relate to PlaNYC, will be presented in the EIS.

Comment 26: Both Figures 3 and 4 misidentify the yellow shaded area along the canal as "Public Open Space." According to the Project Description, this area would be "publicly accessible open space," a significantly different designation than public open space. As such, it begs the question, given the City's stated objective of waterfront access for the public, why this space would not be truly public and under the control of the City rather than the developer. (McClure PSN)

Response: Figures 3 and 4 of the Scope have been revised to identify the open space area along the canal as "publicly-accessible open space." The proposed project, although privately owned, would provide public access to the waterfront along the entire length of the project site, including the street ends of 1st Street and 2nd Street.

Comment 27: In the section on Infrastructure Improvements, there's no discussion as to whether the proposed infrastructure improvements are consistent with the storm water management goals outlined in the recently enacted Local Law 630. Will the project meet the law's objectives? Will the development include green roof spaces and other features design to control runoff, especially given its proximity to the environmentally challenged canal?(McClure PSN)

Response: As per the recently enacted Local Law 630, a designated City office or agency shall submit a draft sustainable stormwater management plan to the mayor, speaker of the council, and the public for review and comment no later than October 1, 2008. As stated in the Local Law, the overall goals of the plan should be to reduce the volume of stormwater flowing into the city's sewer system, to

improve water quality in the city's waterbodies and to protect the public health through the restoration and protection of the ecological health of the city's waterbodies, and to enhance use and enjoyment of the city's waterbodies for recreational activities.

As described in the Scope, the proposed project would be consistent with such goals and objectives. The proposed project would collect and treat all stormwater from the project site on the two project blocks and discharge the stromwater directly to the Gowanus Canal through two new storm outfalls at the ends of 1st and 2nd Streets. The stormwater from 1st and 2nd Streets will also be conveyed through the new storm outfalls. This would eliminate all flow of stormwater from the project site into the combined sewer in Bond Street, thereby reducing the volume of stormwater flowing into the city's sewer system. The proposed project would also reduce the amount of impervious surface on the project site. These improvements will be discussed in further detail in the EIS, as would any potential impacts from the proposed project on the ecological health and recreational use of the Gowanus Canal.

Comment 28: How has development in other Special Mixed Use Districts proceeded? Do mixed-use districts generally favor residential uses over the long term? Is manufacturing generally doomed when a manufacturing zone is converted to mixed use? Why would CPC grant a special permit modifying height restrictions? How is appropriate height determined? Why is 12 stories considered appropriate, especially when the current building heights in the area are considerably lower? Why would development have to occur "substantially in accordance with approved plans" rather than completely in accordance with those plans? Why can't the "possible demapping" or portions of 1st and 2nd Streets be determined from plans, rather than designated as "if needed"? (McClure PSN)

Response: There are no demapping actions as part of the proposed project. Both 1st and 2nd Streets will remain public mapped streets between Bond Street and the canal. The proposed zoning would create a special mixed-use district that would allow a mix of uses. Uses such as the existing warehouse and truck parking on the project site, the existing EMS facility, the existing infrastructure related to the Carroll Street Bridge, and the uses proposed as part of the proposed project would all be allowed under the new zoning. If the proposed rezoning is approved, it is expected that by 2011 the proposed development program would be built replacing the existing warehouse and parking uses currently on the project site. It is also expected that the EMS facility and the infrastructure associated with the Carroll Street Bridge would remain within the rezoned area. This proposal is site-specific to two blocks on the Gowanus Canal. Therefore, it is outside the scope of the EIS to analyze city-wide trends relative to mixed-use zoning proposals. However, the EIS will assess the potential land use and neighborhood character impacts from the proposed actions. The development of

the proposed project will be governed by conditions in the special permits granted and a restrictive declaration that will be recorded against the property. The Department of Buildings determines if the built improvements are "substantially" in accordance with the approved plans to determine if they will issue a building permit and a Certificate of Occupancy. Any substantive modifications will require public review.

Comment 29: The change in height and density is not justified. It is not necessary to achieve affordable housing or publicly-accessible green space and risks irrevocably changing the neighborhood character. The proposal does not show land use compatibility or provide a fair assessment of the predominant residential land use patterns. The site should conform with the R6 zoning of the surrounding neighborhood. Specifically include height limits in the language surrounding the special permit modifying height regulations. Without height limits, the proposed M1-4/R7-2 zoning would allow buildings substantially taller than what is described in the proposal. (GCCDC, Miller, McVoy, CSNA)

Response: To meet the goals and objectives of the applicant, the proposed actions include a rezoning of the project site from an M2-1 district to an M1-4/R7-2 district. As described in the Scope, the EIS will provide an assessment of potential land use and neighborhood character impacts, assessing the compatibility of the proposed zoning on the project site with the existing zoning (including R6) in the study area. The restrictive declaration will contain the approved plans and require development of the project to substantially comply with them. This will include such aspects of the project as building footprints, building envelopes, and all building heights. In addition, the provision of all publicly-accessible open space and its design and accessibility will also be governed by the restrictive declaration. The proposed project will be required to be constructed within the approved building envelopes.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 30: Under the proposed action possible street demappings are discussed. Please include which street segments might be included. (DPR, Weisfeld)

Response: Since the issuance of the Draft Scope, it has been determined that street demappings would not be included as part of the proposed project. The Scope has been revised to reflect this change.

Comment 31: Discuss how the proposed action relates to the pending contextual rezoning of Carroll Gardens, that may include a downzoning immediately west of the project site. (BBPO)

Union/Sackett Block Association and other groups which include CGCRD, Carroll Gardens Neighborhood Association, Friends and Residents of Greater

Gowanus, with the support of Councilman Bill de Blasio, have worked towards a down-zoning resolution for Carroll Gardens, which would include the enforcement of a 50-foot height limit on any new developments in the neighborhood. The need for this resolution has become imperative in the last few years as large developers, who have seldom or never built in Brooklyn, threaten the character, cohesion and landscape of our neighborhoods. (Joseph, CB6)

Response: As discussed in the Scope, the EIS will consider other land use and zoning actions that have been proposed independent of the proposed project and would be in place by 2011. These proposals will be discussed as part of "The Future Without the Proposed Project" and taken into consideration throughout the EIS.

Comment 32: An Industrial Employment District for the southeast portion of the canal area currently within the Southwest Brooklyn Industrial Business Zone is proposed and should be considered. This would add a layer to the current zoning that would restrict nonindustrial uses that are currently allowed in M-zoned areas, such as hotels and large retail. The scope of work should include an analysis of this project in relation to the other projects and their cumulative impact on industrial and light manufacturing businesses in the area, including their need for expansion opportunities. Is there enough industrially-zoned land left in the City to support the sectors of business which depend upon it for their operation and growth? The EIS should consider the creation of special zoning districts to inhibit uses that contribute to the continuing loss of manufacturing space and by extension important employment opportunities for adjacent neighborhood residents and New Yorkers in general. (NYIRN, McVoy, Lander, MAS, Kray, Skollar, CB6)

The scope of work should delineate the impact of this discrete project and zoning change on future land use trends specifically in relation to the Southwest Brooklyn Industrial Business Ombudsman area and the IBZ in order to quantify the potential loss of industrial and manufacturing businesses. (MAS)

Response: The EIS will describe existing and proposed public policies that pertain to the project site and study area, including the South Brooklyn Industrial Business Zone (IBZ) and Industrial Ombudsman Area (IOA). The effect of the proposed action on employment and specific industries will be addressed in Socioeconomic Conditions chapter of the EIS.

Comment 33: The EIS should examine reserving ground-level spaces for light manufacturing. (MAS)

Response: Although the proposed MX district would allow manufacturing uses, such use would not be allowed by the proposed site plan. Therefore, ground-level light manufacturing will not be analyzed in the EIS as part of the proposed program.

The proposed action is intended to be predominantly residential, with both market-rate and affordable housing. Complementary uses on the lower floors—in recognition of the project's residential character and adjacent residential neighborhoods—would include community facility space, commercial uses, and accessory parking. The proposed project would also provide publicly-accessible waterfront open space on the Gowanus Canal along the entire project waterfront. Light manufacturing would be contrary to the goals and objectives of the project sponsor, which include the redevelopment of the former waterfront industrial site with residential and other uses and a publicly-accessible waterfront open space.

Comment 34: The EIS should study an increase of commercial space to accommodate local retail opportunities, given the projected increase in residents, especially in conjunction with proposed DCP rezoning as well as the redevelopment of the Public Place site. (MAS)

Response: As described in the Scope, the applicant is proposing approximately 2,000 square feet of commercial space such as a local deli or other such business providing local goods and services. This commercial space is intended to support the proposed residential uses within the development. No other areas within the proposed buildings are designed to accommodate commercial tenants. As stated in the Scope, projects such as Public Place and the area-wide rezoning proposal currently being studied by DCP, will not be complete by 2011, and thus will not be considered in the EIS. However, as these and other projects move independently through the environmental review process, they will be required to account for the impacts of this proposed project in their cumulative impact analyses.

Comment 35: The project should consider a range of proposed public policies and how they would affect this development and the Gowanus Canal area including: Industrial employment districts; special mixed-use provisions; responsible contractor/responsible operator policy; prevailing wage policy; infrastructure/environmental fund/impact fees/bonus fees; contextual rezoning of Carroll Gardens. (GCCDC)

Response: As described above, the EIS will consider all relevant public policies.

Comment 36: A mixed-use plan can only be acceptable if accompanied by a better strategy for guaranteeing space-security for existing industrial businesses. (NYIRN, Kray)

Response: This is outside the scope of the proposed action.

Comment 37: Previous Sanborn Atlases show industrial uses that would suggest more active site history than the one used in the Draft Scope. (CB6)

Response: As described in the Scope, the EIS will include information on the history of the project site that describes previous industrial uses on the site.

Comment 38: The use of R7-2 zoning would set a precedent that must be carefully considered. Mapping R7-2 at Bond Street frontage would be inconsistent with DCP's goal to "promote transitions between uses." (CB6)

Response: As part of its review of the proposed action, the City Planning Commission will consider the proposed R7-2 zoning, its consistency with established planning goals, and its compatibility with the surrounding area.

Comment 39: Please include an inventory of parcels in the adjacent R6 residential zoned area that are not currently being used for residential housing. (FROGG)

Response: The approach to be taken in the EIS, which is reflected in the Scope, follows the guidance of the *CEQR Technical Manual*. This includes a land use survey of the surrounding area, which will be presented graphically and described in the text. Non-residential uses (e.g., industrial uses, commercial businesses) will be clearly identified.

Comment 40: The Land Use map, Figure 6, incorrectly indicates that the site of the proposed Whole Foods store is "under construction." No construction has taken place on that site to date. (McClure PSN)

Response: Although work at the site has been minimal, the Whole Foods project has involved site clearance and some demolition on the property. The site, currently inactive, is enclosed by construction fencing. Although foundation and superstructure work have not begun, because the site has experienced some work related to the planned store it is categorized as a construction area.

SOCIOECONOMIC CONDITIONS

Comment 41: By turning a manufacturing zone into a mixed-use, manufacturing and residential zone, CPC could be sounding a death knell for industry in the Gowanus basin. In places where other mixed-use zones have been established, residential uses tend to quickly overrun manufacturing uses. Landlords are able to realize higher rents or sale prices for residential property, which results in the driving out of industry. As New York City rezones areas in this fashion, what alternatives will the city have left for manufacturing? While we undoubtedly need to build more housing in New York City, we also need to create jobs for the people living in that housing. By slowly but surely eliminating our manufacturing zones, where concurrently eliminating an important sector of the city's economy. What provision is CPC making for displaced manufacturing uses? (McClure PSN)

Response: As described in the Scope, the socioeconomic conditions analysis will determine whether the proposed rezoning would result in significant adverse impacts due to the direct or indirect displacement of businesses, or due to adverse effects on any specific industry. The direct business displacement analysis will identify the numbers and types of businesses and employment that are likely to be displaced due to the proposed rezoning, and will assess whether the potential loss of economic activity would significantly affect the study area. The analysis also will identify likely relocation opportunities for displaced businesses within the study area, borough, and/or City. The analysis of indirect business displacement will consider whether the rezoning could lead to increases in commercial rents due to a desire on the part of landowners to capitalize on potential changes in market conditions within the study area. The analysis adverse effects on a specific industry will determine whether the proposed rezoning could affect the operation and viability of a specific industry, not necessarily tied to a specific location, or if they would affect business conditions in any industry or any category of businesses within or outside the study area. See also the response to Comment 45.

Comment 42: [Gowanus] is a sparsely populated waterfront community that has been a manufacturing center, providing essential goods and jobs to the region since the canal was constructed over one hundred years ago.

Response: Comment noted. As described in Scope, the EIS will include an assessment of potential impacts resulting from the displacement of businesses and employment.

Comment 43: Any privately built housing on the Gowanus Canal should include a significantly greater percentage of affordable housing, and that the affordable units should be made permanently affordable. The Draft Scope should include the low-income housing already existing in the area. (GCC, CRRGC, FROGG)

Response: The applicant is proposing to include up to 130 units of permanently affordable housing as part of the proposed project. The residential portion of the project, as proposed, will be built to a density of 3.6 FAR, reflecting the provision of Inclusionary Housing that will translate to approximately 30 percent of the total number of dwelling units. Pursuant to the IHP, the low-income units must be provided for the life of the benefitted building. The Scope has been revised to clarify that the affordable housing component of the proposed project would be dedicated to housing for low-income households. As stated in "Housing Characteristics" of the Scope, the socioeconomic conditions analysis will assemble and discuss information on housing market conditions, including identification of presence of any unique or predominant population groups or presence of populations particularly vulnerable to economic changes, using Census data and other sources. The Scope has been revised to clarify that a

detailed analysis of indirect residential displacement, if determined to be necessary, will identify existing public housing and other rent-regulated housing within the ½-mile socioeconomic study area boundary.

Comment 44: Having a tiered income approach that includes housing for those at lowest income levels is crucial. (Council Member de Blasio)

Response: See Response to Comment 43.

Comment 45: The DEIS should consider the likelihood that other landowners in the area may choose to propose a conversion from manufacturing zoning to mixed-use/residential zoning, which will lead to additional displacement. (GCCDC)

Response: The purpose of the EIS is to assess the potential environmental effects of the proposed actions, and determine whether those effects could be significant and adverse, thus requiring mitigation. The socioeconomic conditions analysis will consider the potential effects of this rezoning within the ½-mile socioeconomic study area surrounding the rezoning area, including potential changes in economic activity and neighborhood character, and the potential for indirect displacement of residents and businesses as a result of the proposed rezoning. However, it would be speculative and outside the scope of the CEQR analysis to assess potential environmental effects of future rezonings beyond the proposed project's build year. Future rezoning applications would be subject to their own CEQR environmental assessment at the time such an application was advanced and will account for this project, should it be approved, in their baseline analysis. The DEIS will also include an analysis of growth-inducing aspects as a result of the proposed project.

Comment 46: The DEIS should provide information on wages, benefits, and working conditions for all workers involved in construction and operation of the project, assuming both the presence and absence of "responsible contractor" and "living wage" policies. (GCCDC)

Response: The purpose of the socioeconomic conditions analysis under CEQR is to determine whether the proposed project would result in significant adverse impacts due to the direct or indirect displacement of residents, businesses and institutions, or due to adverse effects on a specific industry. Therefore, it is outside the scope of CEQR to project wages, benefits, and working conditions of workers involved in the construction and operation of a proposed project.

Comment 47: The huge subsidies from taxpayers given to developers could produce far more affordable housing and create jobs. Michele de la Luz of the Fifth Avenue Committee could produce four times as much affordable housing with the amount of subsidies, PILOTs etc. given to developers. (Heller)

Response: Comment noted.

Comment 48: The potential loss of the more than 3,000 jobs and 200 companies in the Gowanus area will have a long term and irreversible impact to Southwest Brooklyn and the City as a whole. (NYIRN)

Response: As described in the Scope, the EIS will assess whether the proposed project would result in significant adverse impact due to the direct displacement of these businesses, and will consider whether the proposed actions could lead to significant indirect business displacement.

Comment 49: We urge the City Planning Commission to adhere to the principles of the Gowanus Summit Coalition in the rezoning of this site, and the potential rezoning of the Gowanus area as a whole. The redevelopment of the Gowanus area provides an opportunity for the City to maintain a truly mixed-use area that achieves the goal of new residential growth, job retention and job creation, and long-term sustainable development. (NYIRN)

Response: Comment noted. See Response to Comment 4.

Comment 50: A relocation strategy must be found for the 69 businesses in the footprint of the development. (NYIRN)

Response: There are currently three businesses located on the projected development site. As described in the Scope, the direct business displacement analysis will determine whether these businesses have substantial economic value to the City or regional area, and will identify likely relocation opportunities in the area.

Comment 51: The EIS should address the following questions:

- Are there currently important industry or business clusters that could be disrupted?
- What proportion of the businesses in the project area is dependent on access to the waterfront and/or abundant water supply?
- How will it impact expansion opportunities for local businesses?
- Examine the potential displacement of industrial and light manufacturing businesses through a change in the real estate market and the conversion of manufacturing space to "higher uses."
- The replacement of employment opportunities and potential job growth by examining types of jobs by sector, considering associated skill levels required and average wage-scales:

    - Will this action curtail future job growth in certain sectors?
        - What are the associated types of jobs with average wages?

- Are job creation opportunities projected in relation to the project and associated with land use changes?
    - What types and average wages can be expected? (MAS)

Response: As described in "Socioeconomic Conditions" of the Scope, the EIS will describe economic activity in the study area (using most recent available data), which will include the number and types of businesses and employment by key or dominant sectors, and will account for how they could be affected by the proposed actions. The direct business displacement analysis will consider products and services provided, whether they have substantial economic value to the City or regional area, their locational needs, and the potential effects on remaining businesses and consumers of losing the displaced businesses as a product or service. Regarding employment, the Scope indicates that the EIS will address how the proposed actions will affect existing employment rather than future growth in certain sectors. It would be speculative and outside the scope of work to assume the employment growth of these businesses. However, as required by CEQR, the EIS will account for businesses or institutions that are subject to existing regulations or publicly adopted plans to preserve, enhance, or otherwise protect them, which would include their associated employment. With respect to consideration of the project's future employment and associated wages resulting from the proposed actions, it is outside the scope of CEQR, and will not be included in this analysis.

Comment 52: The gentrification that will come along with the Toll Brothers project and the other developments will push out a lot of affordable housing. The project will provide 130 units, but it will eliminate 130 units that already existed in the area. The EIS should examine the project's impact and those of an associated land-use trend on affordability in general and on the existing affordable housing stock. Analyze how the amount of new high-end residential units planned in this development may displace the present residential base because of upwards pressure on rents. Will the 130 units of new affordable housing be offset by a loss of existing non-affordable rentals? (FROGG, Joseph, MAS)

Response: As described in the Scope, the socioeconomic analysis will address the possibility of indirect residential displacement of vulnerable populations due to the potential for increased rents in the study area. The proposed actions would not generate rent pressures on existing affordable housing stock, as that stock is rent-regulated and therefore protected from market pressures.

Comment 53: The DEIS ought to look at the possibility for indirect displacement of small businesses over a wide range of areas. (Lander)

Response: As described in the Scope, the socioeconomic conditions analysis will follow *CEQR Technical Manual* methodology in considering whether the proposed actions have the potential to generate significant adverse impacts due to indirect

business displacement. If a detailed analysis is warranted, that analysis will consider all types of potentially vulnerable businesses, irrespective of their size. However, the analysis would focus on the ½-mile study area, which is the area in which significant adverse impacts are most likely to occur.

Comment 54: A specific Industry Assessment of the impact of the project on the Gowanus Canal as an industrial waterway must be performed. (CB6)

Response: As described in the Scope, the EIS will examine the potential adverse effect from the proposed project on specific industries.

Comment 55: The study of secondary displacement should include a comprehensive analysis of other rezonings that have created mixed-use manufacturing and residential districts. It is our hypothesis that introducing residential uses into a manufacturing district leads to accelerating displacement of manufacturing and industrial uses. A study of other such rezonings in New York City should clearly indicate whether or not that hypothesis is correct. (McClure PSN)

Response: This is outside the scope of the CEQR analysis of the EIS. See Response to Comment 45.

Comment 56: The Project should be analyzed to include affordable housing, discounted 20 to 50 percent to the neighborhood housing average rent and/or property sales, not justified as affordable in comparison to Area Median Income, which is far above the average income median of the Gowanus community. (GDCC)

Response: The analysis assumes that the proposed project would include up to 130 units of affordable housing under the Inclusionary Housing Program, which does not define rents and/or sales in the manner described by the commenter (affordable for low-income households is defined as up to 80 percent of area median income). In addition, for the purposes of an indirect residential displacement analysis, it is more conservative to assume higher income levels for the project-generated residents.

COMMUNITY FACILITIES AND SERVICES

Comment 57: The EIS should include developments that are likely to take place beyond the build year, and examine the need for additional community facilities triggered by aggregate development. The EIS should provide an appropriate investigation of capacities of local community facilities and services in the area that will be called upon to serve inhabitants of this project. (GCCDC, CB6, FROGG)

Response: The applicant anticipates that the proposed project, if the actions are approved, would be developed and occupied in 2011. Under CEQR/SEQRA, developments beyond the build year are not considered for the purposes of an

EIS analysis. As described in the Scope, all potential impacts on community facilities and services from the proposed project will be analyzed in the EIS.

Comment 58: There aren't enough schools in the area to accommodate this project. The scope should: Identify all intermediate schools in the district and include them in the assessment for middle schools serving the rezoning area; access the percentage of elementary school children that typically go on to district intermediate schools to pro-rate the analysis; predict change in such rate based on the dwindling number of seats outside the district; establish its base-line "no build" middle school analysis by assuming school age population for all the housing units coming on line by the modified project completion year throughout the district. (Kolman, Donellan, McVoy, Fenton, MAS, BBPO, MPSC)

Response: As described in the Scope, the EIS will provide an analysis of the potential impacts on schools from the introduction of school-aged children in the area. The analysis will follow the guidelines of the *CEQR Technical Manual*.

Comment 59: The analysis must explore the need for additional daycare. (Squadron, MPSC)

Response: As described in the Scope, the proposed project is not expected to exceed the CEQR threshold of more than 50 children under the age of 12 eligible for slots at public day care centers to warrant a detailed day care center analysis.

Comment 60: A full and detailed analysis of police protection impacts and fire protection services must be performed. (CB6, MPSC)

Response: As described in the Scope, the *CEQR Technical Manual* requires an analysis of impacts on police and fire services in cases of direct displacement. The proposed project would not directly cause the displacement of a police or fire facility, and therefore a detailed assessment is not required.

Comment 61: Though the population introduced by the project would not trigger thresholds necessitating the study of the project's effect on medical facilities, daycare, libraries, emergency services or high schools, given the likelihood of an area-wide rezoning, and this project's potential to create a precedent for the scale of development within the wider area, those aspects should be included within the scope. (McClure PSN)

Response: As stated in the Scope, projects such as the City's potential area-wide rezoning (currently being studied by DCP) will not be complete by 2011, and thus will not be considered in the EIS. However, as these and other projects move independently through the environmental review process, they will be required to account for impacts on the community facilities and services mentioned above as part of their actions, as necessary.

Comment 62: The study area should be expanded to a ½-mile perimeter, given the significant population increases related to the upzoning of 4th Avenue. As it stands, the proposed ¼-mile study area falls just short of 4th Avenue, a fact that does not appear to be coincidental. (McClure PSN)

Response: The study area for the community facility analysis is defined according to the potential area of impact related to public schools. The study area for the community facilities will assesses the potential effects of the proposed project on schools located within or near a ½-mile study area around the project site. The analysis will also examine the effects on the entire Community School District (CSD) within which the project site lies. The Scope has been revised to clarify the study area for this analysis.

Comment 63: The Project should analyze the impact of including a community dock, accessible 365 days/year, 24 hours/day. The project should analyze an alternative to the proposed reconstruction at the end of 2nd Street, currently used as a community dock, to allow future use as a community dock instead of the proposed Project seawall/bulkhead as shown in the project renderings. This area should be designed in concert with the Gowanus Oyster project and the Gowanus Dredgers Canoe club as continued on water access and use of the public launch is essential to sustaining both non-for-profit programs. The project's seawall should be analyzed to accommodate visiting vessel access, at low or no cost; particularly when such vessel is providing a community amenity such as the Waterfront Museum or Tugboat Pegasus. The project should be analyzed to include low-cost or free community facility space for a community boathouse and educational center, funded through the sale and rent revenue of residential and commercial uses. (GDCC)

Response: The proposed project does not intend to remove the access point to the water that currently exists at the City-owned end of 2nd Street. In addition, the proposed project will include approximately 2,000 square feet of community facility space which is expected to be occupied by the Gowanus Dredgers for equipment storage and community education.

Comment 64: The Project should be analyzed to include additional community facility space. The cost of providing accommodations for the growing youth population of the neighborhood should be considered, including day care as well as lower and middle school education. It is understood that to provide such an amenity, the project may need to be re-scoped at a higher density. (GDCC)

Response: The proposed project would provide approximately 2,000 square feet of community facility space. The proposed project would not receive a zoning bonus for providing additional community facility space. As described in the Scope, the EIS will consider the potential impacts of the proposed project on community facilities such as day cares and schools. The potential for significant

impacts related to community facilities will be determined during the EIS analysis process, and all practicable measures to mitigate impacts, if necessary, will be identified.

OPEN SPACE

Comment 65: Please state where the existing "greenstreets" [are] located on the figure and in the text. Note the direct impact of the project on this open space. (DPR)

Response: Currently, a "greenstreets" open space exists at the end of 2nd Street. This greenstreet consists of native plant species encased in concrete planters. The Scope has been revised to indicate the existing "greenstreet" open space in the Figure and the text. With the proposed project, the street ends of 1st Street and 2nd Street would be landscaped as part of the proposed 0.7 acres of publicly-accessible waterfront open space, providing waterfront views of the canal along the entire eastern boundary of the project site.

Comment 66: Discuss the relationship between this project and the proposed Brooklyn Greenway. (GCCDC)

Response: The Scope has been revised to state that the EIS will include a discussion of the relationship between the proposed project and the proposed Brooklyn Greenway, to the extent to which it is relevant to the proposed project.

Comment 67: The estimation of residential population of the open space study area should include an accounting of the population for all new buildings coming on line by the modified project completion year within the half-mile study area boundary. (BBPO)

Response: As described in the draft Scope of Work, the EIS will consider all populations associated with other actions that have been proposed independent of the proposed project and would be in place by 2011. These proposals will be accounted for as part of "The Future Without the Proposed Project" and taken into consideration throughout the EIS, including the open space analysis.

Comment 68: How will the "publicly-accessible, privately-owned" open space be managed and maintained. What will be the hours of access? (CRRGC)

Response: The proposed privately owned, publicly-accessible open space will 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 and will be described further in the EIS.

Comment 69: The EIS must examine contamination levels for any proposed open space area and detail a remediation plan that demonstrates the open space will be safe for potential users in the future and will not suffer recontamination. (MAS)

Response: As described in the Scope, the EIS will present the existing environmental conditions on the site and recommendations for necessary preconstruction remediation of contaminated materials, as well as measures to be followed during demolition/construction to reduce to acceptable levels, or control any significant sources of contamination Any necessary remediation at the project site will be conducted as per a DEP-approved Remedial Action Plan (RAP) will be summarize the in the EIS.

Comment 70: The EIS should carefully examine the compatibility of the proposed esplanade/recreational space with surrounding industrial uses on the canal. (MAS)

Response: The EIS will address the compatibility of the proposed open space with surrounding industrial uses on the canal. The scope has been revised to include this discussion as part of the Open Space chapter.

Comment 71: The EIS should state the exact dimensions of the esplanade/public open space and should study whether the open space currently identified as "private open space" could be reconfigured to lead into the publicly accessible open space on the canal. (MAS)

Response: The EIS will provide the dimensions of the publicly-accessible open space. The proposed courtyard open space is being proposed by the applicant as interior above-grade courtyard space, separate from the publicly-accessible open space along the canal. As described in the Scope, the EIS will provide an analysis of potential open space impacts from the proposed project.

Comment 72: The EIS should address the following questions:

- Will publicly accessible space be amenable to recreational activities or just a throughway?
- Who will manage the privately owned but publicly accessible space?
- What does accessible mean?
- When and how will the space be accessible to the public? (MAS, GCCDC, Weisfeld, Brookhart)

The EIS must disclose how the project's open space will be made accessible to the public. The analysis should study ways in which the entrances and access points can be made visually and physically inviting, especially to non-residents of the development. (McClure PSN)

Response: The Scope has been revised to include a detailed discussion of the proposed open space in order to address the questions above.

Comment 73: As the 0.6 acres of project-created open space will be privately-owned, it will not qualify for inclusion in the quantitative analysis of public open space. (CB6)

The project incorrectly states that the site does not contain any public open space. A public dock at the end of 2nd Street is currently used by the public to access the canal. This site area is currently used for waterfront access, gardening, bird watching, fishing, painting, photography, outdoor festivals, and is often used as an area for children biking, ball playing, and sledding. There is a Green Space garden, and Green Space has a vested interest after having invested money to create it. (Lodge, FROGG)

Response: The proposed project's privately owned, publicly-accessible open space will be included in the quantitative analysis of open space impacts in accordance with CEQR guidelines. With the proposed project, the street ends of 1st Street and 2nd Street would be landscaped as part of the proposed 0.7 acres of publicly-accessible waterfront open space, providing waterfront views of the canal along the entire eastern boundary of the project site. The proposed project does not intend to remove the access point to the water that currently exists at the end of 2nd Street. The Scope has been revised to indicate that a "greenstreets" open space currently exists at the end of 2nd Street.

Comment 74: Though the Draft Scoping document claims that, since the project site does not currently contain any open space, "the proposed actions are not expected to have a direct effect on open space or recreational facilities," that is patently not true. The project will have a profound effect on open space and recreational activities, because it will introduce approximately 1,000 new residents into an area severely lacking in such necessary facilities. The proposed 0.6 acres of passive, publicly accessible yet privately owned and controlled space is inadequate to the needs of such a population, well below the City's median of 1.5 acres of open space per thousand residents and nowhere close to the City's goal of 2.5 acres per thousand residents. Since the CPC is contemplating a special, spot rezoning of the site in order to accommodate Toll Brothers proposed development, it is well within the City's right, and arguably, its responsibility, to require that the project meet the 2.5 acres/1,000 person goal. Why have goals if we do nothing to further them? It's important to note, also, that the project would create *zero* active open space. (McClure PSN)

Response: The proposed project will include approximately 0.7 acres of publicly-accessible open space along the canal. The Scope has been revised to include a description of the privately-owned and public elements of the proposed esplanade. The proposed project would also include an accessory gym and private open spaces in building courtyards for its residents. As described in the Scope, the EIS will provide an analysis of potential open space impacts as a

result of the proposed project. The Scope has been revised to indicate that a "greenstreets" open space currently exists at the end of 2nd Street.

Comment 75: The ½-mile open-space study area, though recommended by the *CEQR Technical Manual*, is not consistent with the overall study area boundary of ¼ mile. Not surprisingly, were the study area limited to ¼ mile, no existing open space would fall within the study radius, save for a small portion of the Thomas Greene Playground. By setting the study area for open space at ½ mile, the scope manages to include open space to the north, east and west of the project site that would be excluded at ¼ mile. This points to the need for the *overall study area* to be expanded to ½ mile, both for the sake of consistency, and for fairness. As it stands now, the draft scope varies its study areas by task according to the results desired by the developer and CPC in order to justify the project. (McClure PSN)

Response: To address comments received at the scoping meeting, the Scope has been revised to include an expanded land use study area, bounded by Wyckoff Street to the north, 4th Avenue to the east, 12th Street to the south, and Smith Street to the west (roughly a half mile north and south of the project site, and a quarter mile east and west of the project site). According to the *CEQR Technical Manual*, a land use study area's boundaries can be modified, as appropriate, to include areas that may be affected by the proposed actions or to exclude areas that would not be affected. As such, the land-use study area has been defined as the area bounded by Wyckoff Street to the north, 4th Avenue to the east, 12th Street to the south, and Smith Street to the west. The open space study area, according to the *CEQR Technical Manual*, is defined by a reasonable walking distance that users would travel to reach local open space and recreation areas. For residential users, this is typically a ½ mile radius.

Comment 76: Discuss types of possible uses for the open space including equipment, facilities, hours of operation, and opportunities for community input. (McClure PSN)

Response: 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. The ultimate design will reflect direction from DCP and DPR. The privately-owned, publicly-accessible 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 and will be described further in the EIS.

SHADOWS

Comment 77: Given the radical difference in the heights of the proposed development and the consistently low-rise nature of the existing neighborhood, the EIS should dispense with a screening-level analysis and proceed to a detailed assessment of shadows. Such study should not be limited to open space or historic resources, but should include the entirely of the area that would be affected by shadows, given the significant height changes that would result from an upzoning. (McClure PSN)

Response: The shadow analysis will be performed in accordance with the guidance presented in the *CEQR Technical Manual*. According to CEQR, a screening-level analysis should be performed to determine the potential for shadow impacts from the proposed project on publicly-accessible open spaces, sun-sensitive features of nearby historic resources and important natural features. As described in the Scope, if it is found that the shadows from the proposed from the proposed project would potentially cause significant impacts, a detailed assessment will be performed.

The Toll Brothers project will, as proposed, cast shadows up into Carroll Park and the P.S. 58 school yard at sunrise, delaying sunrise by about 20 minutes in the higher areas and by up to an hour in lower areas toward Bond Street. Houses adjacent to Bond Street could be cast in shadow for even greater periods. (Hatheway, FROGG)

Response: As described in the Scope, the Shadows screening analysis will address the potential shadow impacts of the proposed project on any publicly-accessible open spaces.

Comment 78: Twelve-story buildings will cast significant shadows on open space areas, other buildings in the area and on the Gowanus Canal, assuming the canal is going to be open space and a public walkway, and the historic bridge. (McVoy, Baer, CSNA)

Shadows will affect the historic Carroll Street Bridge. (Skollar)

Response: As described in the Scope, the potential for shadow impacts from the proposed project on publicly-accessible open spaces and sun-sensitive features of nearby historic resources will be analyzed in the EIS. An analysis of shadows on private houses is outside the scope of a CEQR analysis.

Comment 79: An assessment should be made of the potential for the project's planned publicly accessible open space to be covered by shadows. (BBPO, FROGG)

Response: Shadows cast on open spaces that are part of a proposed project or action, are not considered impacts of an action because without the action, the open space would not exist.

Comment 80: Sensitive sites should also include the Gowanus Canal as it serves as a natural resource providing habitat to aquatic life and birds. It must be determined if shadows will have a negative impact on the marine life that is slowly returning to the Gowanus Canal. (BBPO, Baer, CB6)

It must be determined if shadows will have a negative impact on the marine life that is slowly returning to the Gowanus Canal. How would this proposal affect the ecological system of the Gowanus Canal? (Baer, Brookhart)

Response: The Scope has been revised to clarify that the EIS will address the potential for impacts of shadows from the proposed project on important natural features near the project site.

Comment 81: Since the City's new Local Law 630 encourages the development of green roofs, especially important in flood-prone areas such as the Gowanus Canal basin, the study of shadows should include the potential impact that such shadows might have on green roof creation in the study area. The same should be done for the potential of the project to deny sunlight access to neighboring buildings that might want to install solar panels; on-site, clean-power generation is another goal of PlanNYC2030. (McClure PSN)

The shadows from the project will not allow for the installation of solar heating panels. (Buxbaum)

Response: As per *CEQR Technical Manual* guidance, an adverse shadow impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space, sun-sensitive historic resource, or important natural feature. In general, shadows on City streets and sidewalks or on other buildings are not considered significant under CEQR. Therefore, an analysis of shadows on privately-owned green-roofs and solar heating panels is outside the scope of a CEQR analysis.

HISTORIC RESOURCES

Comment 82: Gowanus is a mixed use community with an important industrial heritage whose distinct architecture has been deemed eligible by the U.S. Army Corps of Engineers for listing in the National Register of Historic Places. (Hammerman CB6, MAS. Hedge, MPSC)

Response: Comment noted. As described in the Scope, these resources will be addressed in the EIS in the analysis of potential impacts to historic resources.

Comment 83: It's noted in the Draft Scope, that this project location is within a "potentially" eligible Gowanus Canal Historic District. The word "potentially" should be stricken. The Gowanus Canal Historic District has been determined eligible by the New York State Historic Preservation Office and the New York City Landmarks Preservation Commission. (Habstritt)

Comment 84: As described in the comment, the Gowanus Canal Historic District has been identified as eligible for listing as an historic district by the New York State Historic Preservation Office (SHPO). However, it has not been identified as eligible by the New York City Landmarks Preservation Commission (LPC). The Scope has been revised to remove the word "potential" in reference to SHPO's determination of the eligibility of the district.

Comment 85: The 400-foot radius for the historic resource and urban design and visual resource study area is insufficient and should be extended to ½ mile. The ½-mile perimeter boundary should be expanded to include the Gowanus Pumping Station and several Revolutionary War site. The project is in close proximity to the local landmarked Historic District of Carroll Gardens and the 12-story towers are not in keeping with the character of this Historic District. (McVoy, CSNA, MAS, MPSC, Oliva)

The Draft Scoping document indicates that the analysis will identify any architectural resources within a 400-foot radius of the project. However, the *CEQR Technical Manual* states that it may be appropriate to enlarge the study area if:

- Actions may affect an historic district (in this case, a potential historic district)
- Actions would involve construction in areas with difficult sub-surface conditions
- Actions result in changes over a larger area, for example, an area rezoning (while will likely take place in this area, and for which this project would likely set a precedent)
- Actions result in change that are highly visible and can be perceived from farther than 400 feet *and* could affect the context of historic resources some distance away (clearly evident here given the huge change in building heights that would result from the proposed rezoning)

Since all of these qualifications would be in effect to one degree or another, the radius for the study of historic resources should be expanded well beyond 400 feet; in fact, it should extent to a ½-mile overall study radius. (McClure PSN)

Response: Based on the guidelines of the *CEQR Technical Manual*, the study area for architectural resources was defined as extending 400 feet from the project site. However, the scope has been revised to include a secondary study area for historic resources which extends roughly ½ mile north and south of the project

site, and ¼ mile east and west of the project site. The secondary study area includes, among other historic resources, the Carroll Gardens Historic District, the Gowanus Pump Station and several archeological sites that are part of the S/NR-eligible Gowanus Canal Historic District. The EIS will consider the potential for impacts to the S/NR-eligible Gowanus Canal Historic District as a whole. The proposed rezoning is limited to the area encompassing the two project blocks.

Comment 86: The historic Carroll Street Bridge should be assessed to determine if the additional traffic from the project might have an impact in terms of accelerating the replacement cycle of its wooden roadbed. Further it should be noted whether or not construction vehicles would be utilizing this canal crossing. (Fenton, BBPO, MAS, Skollar, Habstritt, MPSC)

Response: Any impacts to the Carroll Street Bridge from traffic related to the proposed project will be assessed in the EIS. The Scope has been revised to reflect this change. The Carroll Street Bridge (S/NR-eligible; NYCL) is an architectural resource located within 90 feet of projected construction activities. To avoid any construction-related impacts to this resource, a Construction Protection Plan (CPP) would be developed and implemented in consultation with LPC, SHPO, and DOT prior to project demolition and construction activities. The Carroll Street Bridge is not an NYCDOT designated local or through truck route.

Comment 87: In order to ensure compliance with Section 106 regulations, Section 106 review ought to be conducted simultaneously with the CEQR review and the findings and mitigation that results from Section 106 review ought to be included in the DEIS. The Municipal Arts Society formally requests consulting party status in Section 106 review. (MAS, Habstritt)

Response: Comment noted. The applicant has stated that it will comply with Section 106, as required, during the permitting process.

Comment 88: The USACOE should be included in consultation on the project. (CB6, Lodge)

Response: The USACOE will be included in consultation on the project in relation to the permitting process, and Section 106 requirements.

Comment 89: Since the building of the proposed project would so greatly alter the character of the area, which may eventually become a Gowanus Canal Historic District, it is incumbent on the Scoping document to fully analyze all possible impacts on historic resources. In fact, the project should not be allowed to go forward before a full assessment and determination of the potential for creation of a Historic District is completed. (McClure PSN)

Response: As described in the Scope, the EIS will include an analysis of potential impacts on historic resources, including those which are eligible for listing on the State and National Registers of Historic Places (S/NR-eligible), as is the S/NR-eligible Gowanus Canal Historic District.

Comment 90: The scope of work indicates that the Carroll Gardens historic district is the only historic district to be impacted by the development. I request that the Cobble Hill, Brooklyn Heights, Park Slope and other neighboring historic districts be incorporated into the scoping document as these areas will also be affected. (CB6)

Response: The Carroll Gardens Historic District has been included in the analysis of impacts to historic resources. The other districts mentioned in the comment are far too distant from the project site to be considered in the area of potential effect, and are therefore not included in the analysis.

URBAN DESIGN AND VISUAL RESOURCES

Comment 91: The EIS should study how the project site will connect to existing neighborhood commercial areas/corridors. There is a very distinct grade change between Carroll Gardens, the Gowanus Canal and the Park Slope neighborhoods. The 12-story buildings would be visible over the parapet line of these Hoyt Street buildings on the view corridor along Carroll Street from Smith Street towards Hoyt Street, which extends through the Carroll Gardens Historic District. The project review should include consideration of sight lines and views from the Carroll Garden's Historic District. The Toll Brothers project would substantially alter the historic views of this district and tower over the small scale Hoyt Street houses, thus compromising the quality of the historic district. (Hatheway, Briggs,McVoy, CSNA, BBPO, MAS, Hedge)

Response: To address this and similar comments made during the public scoping process, the Scope has been revised to include an EIS analysis of potential urban design and visual resources impacts with respect to the Carroll Gardens Historic District.

Comment 92: The 400-foot radius for the historic resource and urban design and visual resource study area is insufficient. The study area should be increased to include sufficient views and cross-sections from varying neighborhood contexts and additional views from vantage points towards the project site should be included. (BBPO, McVoy, CSNA, MAS)

The Draft Scoping document indicates that the analysis will identify any architectural resources within a 400-foot radius of the project. However, the *CEQR Technical Manual* states that the study area for urban design is generally consistent with the study area used for land-use analyses. Therefore, the Urban

Design and Visual Resources analysis should conform to a ½-mile study radius. (McClure PSN)

Response: The primary study area for the urban design and visual resources analysis will be defined by a 400-foot radius around the project site. In addition, a secondary study area will extend approximately ¼ to the east and west of the project site, and approximately ½ mile north and south of the project site. This secondary study area will be consistent with the expanded land use area described above under the Land Use, Zoning and Public Policy section. The Scope has been revised to clarify this point.

Comment 93: The EIS should study how the project site will connect to existing neighborhood commercial areas/corridors. The EIS should study the impact of the project on the area's industrial urban design heritage and urban design elements supporting current industrial and light manufacturing uses. (MAS)

The EIS should analyze the extent to which the project will knit together and integrate the existing surrounding community. The project should not be a campus or entity unto itself, but should be woven into the fabric of the adjacent neighborhoods. The EIS should analyze existing design elements within the surrounding community in order to create compatibility. This is especially relevant given the low-rise, industrially oriented, potentially preservation-worthy nature of many buildings along the Gowanus Canal. (McClure PSN)

The proposal is not architecturally appropriate for this neighborhood. (Briggs)

Response: As described in the Scope, the EIS will provide an analysis of the contextual relationship and compatibility of the proposed project to the urban design characteristics of the surrounding area.

Comment 94: The EIS should examine impacts on urban design elements that could be amenable to adaptive reuse and to green architectural elements, such as green roofs, solar panels, etc. (MAS, Brookhart)

Response: This is outside the scope of a CEQR analysis.

Comment 95: The sky is one of the more unique visual resources. This project will be forever eliminating a significant piece of that resource. The open sky has brought many painters and artists to the area. (FROGG)

Response: The sky is generally not considered for impact analyses under CEQR.

Comment 96: Investigate the architectural elevations of the site, including street grades. The proposed new elevations for the site must be compared to elevations of an adaptive reuse of the site, and a new build out under current zoning. (FROGG)

Response: As described in the Scope, the EIS will include an examination of elevations. Build out under current zoning will be examined under the As-of-Right Alternative.

Comment 97: The proposed development will provide a small amount of green space on the contaminated Gowanus waterfront. However, the size and scope of the project will destroy the sense of open space and sky that make the neighborhood so livable and attractive. The development should be designed to align with the rest of the neighborhood and rise no taller than three stories. The design does not include a green roof and other standard elements common to green construction. The building designs should be redrawn to incorporate a green roof, increased green public space, a three story limit and standard "green" energy savings advances. (Meakem)

Response: The proposed project will be providing approximately 0.7 acres of publicly-accessible waterfront open space, along the entire eastern boundary of the project site. At this time the applicant is not proposing a green roof as part of the proposed project, however the proposed buildings would be designed to meet LEED standards. As described in the Scope, the EIS will include an analysis of the visual character of the proposed project, and the anticipated changes in urban design and visual character that would result from the proposed project in the study. The EIS will then evaluate the significance of that change.

Comment 98: The project should create a series of street-level and Canal-level perspectives so the community can better understand the scale of a 12-story building at the water's edge and the parking use at street level. (GDCC)

Response: Street-level views and Canal-level perspectives will be included in the Urban Design and Visual Resources chapter of the EIS.

NEIGHBORHOOD CHARACTER

Comment 99: The public policies recommended by the GCCDC are essential to maintaining the character of the Gowanus and Carroll Gardens neighborhoods and the impact of adopting, and not adopting these should be considered. (GCCDC)

Response: The DEIS will include an analysis of the proposed actions' consistency with adopted public policies governing the study area. As the public policies recommended by the GCCDC have not been formally adopted, they will not be considered in the DEIS.

Comment 100: The EIS should analyze the project's impact upon neighborhood character in light of that impact category, and should not simply be a summary of other impact category analysis. The EIS must consider how the project will respect,

integrate with and in no way detract from neighborhood character. (MAS, CB6, MPSC)

Response: As described in the scope, neighborhood character is shaped by a number of factors, including land use, urban design, visual resources, historic resources, socioeconomic conditions traffic and noise. The EIS will provide an analysis of the proposed project's impacts on neighborhood character as it is shaped by these factors.

Comment 101: Gowanus is a mixed use community with an important industrial heritage whose distinct architecture has been deemed eligible by the U.S. Army Corps of Engineers for listing in the National Register of Historic Places. The context of this community should be preserved (Hammerman CB6, GCCDC)

Response: As described in the Scope, the EIS will provide an analysis of the contextual relationship compatibility of the proposed project to the urban design characteristics of the surrounding area, including the S/NR-eligible Gowanus Canal Historic District.

Comment 102: The project is not in keeping with neighborhood character. The proposed height of 12-stories is too tall for the neighborhood. The EIS should demonstrate how 12-story steel buildings are compatible with existing low-scale masonry structures. The EIS should seek legitimate input from architects or architectural organizations. (Fenton, Senator Connor, FROGG)

Response: See Response to Comments 99 and 100.

Comment 103: Gowanus is a community struggling to keep its unique identity, preserve its distinctive built form and get government to clean up the polluted water and contaminated land around the canal. (Hammerman CB6, Buxbaum)

Response: Comment noted.

Comment 104: Neighborhoods around the Gowanus Canal are experiencing a redevelopment boom. It is therefore imperative that foreseeable impacts of cumulative redevelopment be taken into consideration regardless of whether these are expected to be completed in the next three years. (Hammerman CB6, Riverkeeper)

Response: As discussed in the Scope, the EIS will consider other actions that have been proposed independent of the proposed project and would be in place by 2011. These proposals will be discussed as part of "The Future Without the Proposed Project" and taken into consideration throughout the EIS. Under CEQR/SEQRA, developments beyond the build year are not considered for the purposes of an EIS analysis. Thus, projects that will not be complete by 2011

will not be considered in the EIS. However, as these and other projects move independently through the environmental review process, they will be required to account for the impacts of this proposed project in their cumulative impact analyses.

Comment 105: This section should also include the February 3, 2004 BSA ruling on a request for a variance to build 7-story residential structures at 460 Union Street, just two blocks north of this site. That ruling rejected the request for a zoning variance. (FROGG)

Response: Comment noted. That proposal is no longer active.

Comment 106: The Gowanus Canal itself is eligible for inclusion in the national register of Historic Places. According to the CEQR manual, historic districts are also to be considered. The character of the entire Gowanus Corridor with its low 2 and 3 story buildings of mixed-use is a district worth preserving and has been recommended as such by the Army Corps of Engineers in 2004. The Toll Brothers have called this area residential with many underutilized sites. This is an area of mixed-use with a long history of providing housing and services the community along the canal. How do you qualify "underutilized?" (Roberts)

Response: As described in the Scope, the EIS will provide an analysis of the proposed project's impacts on neighborhood character and will provide an analysis of the contextual relationship compatibility of the proposed project to the urban design characteristics of the surrounding area, including the S/NR-eligible Gowanus Canal Historic District.

NATURAL RESOURCES

Comment 107: The Draft Scoping document indicates that study of natural resources will take into account conditions through the 2011 analysis year. This is grossly inadequate. It does not make sense to *not* study the potential impacts of known future projects such as Public Place which may be completed after 2011, unless the decision is intended to *minimize* the appearance of those impacts or order to help shepherd this project through the approval process. In addition, given the likelihood of a future rezoning that would potentially alter the scale of neighborhood buildings to that of the proposed project, it is critical that the DEIS take such potential changes into account. (McClure PSN)

Response: Under CEQR/SEQRA, developments beyond the build year are not considered for the purposes of an EIS analysis. As stated in the Scope, projects such as Public Place and the area-wide rezoning proposal currently being studied by DCP, will not be complete by 2011, and thus will not be considered in the EIS. However, as these and other projects move independently through the

environmental review process, they will be required to account for the impacts of this proposed project in their cumulative impact analyses.

Comment 108: In the analysis of the natural resources, we ask that the literature review be expanded to include the Report of the Street Committee of the Common Council on the drainage of that part of the city lying between Court-Street and the Fifth Avenue, Warren-Street and Gowanus Bay: made Nov. 27, 1848 in Common Council, and other relevant literature that addresses the design of the grade and drainage established to drain the surrounding meadows, thus allowing the land to be built upon. (FROGG)

Response: This report is not relevant to the Natural Resources analysis of the EIS. Existing grade and drainage conditions will be determined as part of the engineering design of the proposed buildings and will be based on site-specific engineering surveys.

Comment 109: The quarter mile radius creates a discrete piece of water that does not exist. (FROGG)

Response: Based on CEQR guidance, the EIS will analyze the potential for natural resources impacts on the project site and adjacent areas as applicable, which may be affected by activities on the project site.

GROUNDWATER

Comment 110: The study must include analysis of the effects these actions will have on local groundwater table. The study should be expanded to include not only the project site water table levels, but should also include the ground water tables for adjacent and upland areas, at least within a ½-mile radius. (FROGG)

Response: The Scope has been revised to clarify that the EIS will provide an analysis of potential impacts on groundwater near the project site.

WETLANDS

Comment 111: The report should include the USACOE preliminary design ideas for wetlands restoration, specifically at the banks of the canal by this site. (FROGG)

Response: The USACOE will be included in consultation on the project in relation to the permitting process. Wetland restoration is not a component of the proposed project.

Comment 112: The Draft Scoping document states "the presence of tidal wetlands will be based on existing New York State Department of Environmental Conservation (DEC) tidal wetland maps." How current are the DEC maps? In addition to relying on

maps, the Scoping document must also incorporate field surveys. For example, tidal wetlands have reasserted themselves on portions of the Whole Foods site along the canal at 3rd Street and 3rd Avenue. (McClure PSN)

Response: The Scope has been revised to state that the presence of tidal wetlands will be based on existing DEC tidal wetland maps, United States Fish and Wildlife Service National Wetlands Inventory maps, and field investigations.

AQUATIC RESOURCES

Comment 113: Examining impacts against previous water quality standards is not going to be sufficient. (Skaller)

Response: As described in the Scope, the water quality conditions of the canal, including the canal's current water quality classification, pollutant sources and chemical and biological conditions will be described using all currently available data. An assessment of potential impacts from the proposed project on the canal will be presented.

Comment 114: Currently, the analysis does not explore in detail the effect on water quality in the Gowanus Canal during periods when the combined sewer overflow is activated, though wastewater from the proposed project will be an added component of the CSO. (Squadron, MPSC)

The proposed action may increase the discharge of untreated sanitary sewage and polluted stormwater into the canal, which will adversely affect aquatic life and recreational uses. The project may increase the volume and frequency of CSOs to the canal thereby contributing additional disease-causing pathogens, reducing the level of dissolved oxygen, and further exacerbating other harms to human health, recreation, aesthetics, and fish and wildlife in these waters. The DEIS should analyze the magnitude and significance of cumulative CSOs in conjunction with potential future projects. (Riverkeeper)

Response: The EIS will assess water quality conditions as they relate to the proposed project's potential impact on CSO discharges to the Gowanus Canal. This analysis will be conducted for the 2011 analysis year, as per CEQR guidelines. The Scope has been revised to clarify this point.

Comment 115: The EIS should reflect the state of Gowanus Canal water at the time of the build year. It should refer to the stage of reconstruction work that will be underway at that time and assess the nature of the water under those conditions. Given the plans to have the Flushing Tunnel inoperable for some time, the character of the aquatic conditions at the time of build-out needs to be described. (FROGG)

Response: As discussed in the Scope, it is anticipated that the proposed project would be completed and operational in 2011. Thus, conditions in the year 2011, both with

and without the proposed project will be analyzed for the purposes of determining project-related impacts.

ESSENTIAL FISH HABITAT

Comment 116: The National Marine Fisheries Service should be included in consultation on the project. (Lodge)

Response: The National Marine Fisheries Service will be included in consultation on the project. The Scope has been revised to clarify this point.

HAZARDOUS MATERIALS

See "Public Health" for related comments

Comment 117: DEP recommends that a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) should be prepared for the site.

- The RAP should delineate that all excavated soils and fill materials will be removed from the site and properly disposed of in accordance with all applicable DEC regulations and at an appropriate landfill facility. Note that additional testing of the soils may be required by the disposal and/or recycling facility.
- As a result of elevated concentrations of VOCs, SVOCs and heavy metals exceeding DEC Guidance Levels, a site-specific construction Health and Safety Plan (Construction HASP) should be prepared on the basis of workers exposure to these contaminants for the proposed construction project. The Construction HASP should be submitted to DEP for review/approval.
- As a result of elevated VOCs in groundwater, a vapor barrier must be incorporated into the building design. The design of the vapor barrier system must be submitted to DEP for review and approval.
- Two (2) feet of clean fill-top soil must be imported from an approved facility/source and graded across all landscaped/grass covered areas of the site not capped with concrete/asphalt. A demarcation barrier should be placed to identify the base of the clean fill cover and the top of the remaining fill material. The clean fill-top soil must be segregated at the source/facility, have qualified environmental personnel collect representative samples at a frequency of one (1) sample for every 250 cubic yards, analyze the samples for Target Compound List (TCL) VOCs, SVOCs, Pesticides/PCBs and TAL metals by a New York State Department of Health Environmental Laboratories Approval Program-certified laboratory, compared to TAGM 4046 Recommended Soil Clean-up Objectives, and receive DEP written approval to use the clean fill-top soil.

Upon receipt of DEP's written approval, the clean fill/top soil may be transported to the site for grading. The clean fill/top soil should not be comprised of any construction and demolition (C&D) debris.

- Excavated soils, which are temporarily stockpiled on-site, must be covered with polyethylene sheeting while disposal options are determined. Additional testing may be required by the disposal/recycling facility.
- If any petroleum-based impacted soils (which display petroleum odors and/or staining) are encountered during the excavation/grading activities, the impacted soils should be removed and properly disposed of in accordance with all DEC Regulations.
- The contractor must maintain dust suppression during excavating and grading activities at the site.
- If de-watering into storm/sewer drains will occur during the proposed construction project, then a DEP Sewer Discharge Permit must be obtained prior to the start of any de-watering activities at the site. In this case, groundwater sampling for DEP Sewer Discharge Criteria should also be completed in any areas where de-watering is expected.
- The critical elements from the requested RAP and CHASP, including an identification of any necessary institutional controls, should be summarized and incorporated into the Draft Environmental Impact Statement to support conclusions about potential hazardous materials or public health impacts. The need for any institutional controls should be discussed with DEP before the Draft Environmental Impact Statement is issued and any necessary institutional controls should be in place before the completion of the Final Environmental Impact Statement. (DEP)

Response: The Scope has been revised to include a discussion of the RAP and CHASP for the proposed project site. All of the above measures will be included in a DEP-approved RAP and CHASP, which will be summarized in the EIS.

Comment 118: The *Eco-Gowanus Urban Remediation by Design*, which was published by the School of Architecture, Planning and Preservation of Columbia University, needs to be the basis for any environmental review of this site since it contains critical information relating to pollutants found in the soil. (Baer, SBLDC)

Response: Site specific soil and groundwater testing was conducted specifically for the project site in 2004 and 2005, the results of which will be the basis of the EIS analysis. The Scope has been revised to incorporate the review of these studies for the EIS analysis.

Comment 119: The applicant should be required to complete a thorough contamination analysis of the site and any possible contamination that may have migrated to the site from the canal as well as remediation of the site to a standard that will not negatively affect the health of current and future residents or detract from the revitalization of the Gowanus Canal. The complex issue surrounding brownfield remediation should be discussed and disclosed in detail in the DEIS. (Hammerman CB6, CRRGC, Riverkeeper, MAS, MPSC)

There should be no question as to "the need to perform soil or groundwater sampling" on the project site. There is ample evidence of high levels of toxicity in soil and groundwater throughout the Gowanus Canal basin. The entire project site must be tested to the fullest extent possible. (McClure PSN)

Response: As described in the Scope, Phase I and Phase II site assessments have been conducted at the project site. The EIS will present the existing environmental conditions on the site and recommendations for necessary preconstruction remediation of contaminated materials, as well as measures to be followed during demolition/construction to reduce to acceptable levels, or control any significant sources of contamination. These measures will be incorporated into a DEP-approved RAP/CHASP for the proposed project, and will be summarized in the EIS.

Comment 120: DEIS must contemplate full transparency regarding ongoing testing and quality, in addition to plans for remediation. The project should create a consistent way of monitoring environmental impact and reporting back to the community and having a really clear feedback loop. (Council Member de Blasio, CRRGC)

Response: Comment noted. The Remedial Action Plan (RAP) for the proposed project will contain detailed plans for the remediation of the project site, and will be summarized in the EIS. The Scope has been revised to include a discussion of the RAP. The EIS will determine the potential for Hazardous Materials impacts from the proposed project with respect to the implementation of the RAP and CHASP.

Comment 121: Concern about the parking garage—the 120 or 150 cars that are obviously dripping away all in gasoline on the streets and now that is allowed to drain off into the canal (Briggs)

Response: Comment noted. As described in the Scope, the Hazardous Materials impact assessment will consider all existing uses at the site and their potential for contamination of soil and groundwater. Also, the Natural Resources assessment will discuss existing water quality and sediment conditions of the Gowanus Canal.

Comment 122: Deeply concerned about the hazardous materials we know to be present in the ground, in the water, along and within the Gowanus Canal. Benzene, cadmium, PCBs, mercury, cyanide, Volatile Organic Compounds, herbicides and pesticides, sulfur and metals. One doesn't need to be a local historian to find out what industries were housed on this proposed site: Preferred Oil Company, Auto Salvage, Standard Oil, Vesta Oil Works (ph.) In short, a well-know, highly toxic stew. The scope must include a rigorously detailed analysis of the impact of construction itself given the nature of what's known to have existed on this site. (Olesker)

Response: As described in the Scope, Phase I and Phase II site assessments have been conducted at the project site. The EIS will present the existing environmental conditions on the site and recommendations for necessary preconstruction remediation of contaminated materials, as well as measures to be followed during demolition/construction to reduce to acceptable levels, or control any significant sources of contamination. These measures will be incorporated into a DEP-approved RAP/CHASP for the proposed project, and will be summarized in the EIS.

Comment 123: The first step in dealing with contamination at 363-365 Bond Street is the need for a thorough analysis of toxins in the soil to a minimum depth of twenty feet. The soil needs to be remediated of any pollutants and a nonporous cover needs to be placed over any area that contains volatile chemicals. (Baer)

Response: As described in the Scope, necessary remediation at the project site will be conducted as per a DEP-approved Remedial Action Plan (RAP) which will address the need for testing and cover materials. The EIS will summarize the details of the RAP. Any significant adverse hazardous materials impacts from the proposed project will be assessed in the EIS.

Comment 124: In addition to the oil tanks, this is the site where chemical fertilizers were first produced in the United States of America. These and other environmental hazards are a major concern to the community. (FROGG)

Previous Sanborn Atlases indicate that there may be existing storage tanks related to gasoline or service station use. (CB6)

Response: As described in the Scope, the land use history of the rezoning area will be described based on historic maps, atlases, and other historical records. The potential for contamination of soil and groundwater in the rezoning area will be assessed based on land use history, examination of tank records and current site conditions.

Comment 125: This site is located next to an aquatic Brownfield, which will continue to receive sizable sewage flow after the planned build year. An assessment should be made about the hazardous material and hazardous vapors that will be present from this source. Hazardous materials that have been transported to the site through groundwater from adjacent Brownfield sites must be assessed. (FROGG)

Response: As described in the Scope, available information on subsurface conditions (geology and hydrogeology), including any borings performed on or near the site, will be presented, as will all available reports of soil or groundwater testing on the project site or adjacent properties. Necessary remediation at the project site will be conducted as per a DEP-approved Remedial Action Plan (RAP). As described in the Scope, the EIS will provide an assessment of the proposed

project's potential impacts to natural resources, including the potential for the project to impact CSO discharges to the canal.

Comment 126: All existing environmental assessments that were provided by this applicant to DEC Brownfield Program must be included in this section. (FROGG)

Response: The project site is no longer participating in DEC's Brownfield Program. However, all of these assessments will be provided to DEP for review and will be summarized in the EIS.

Comment 127: DEC just announced that it was awarding a BOA grant of $275,000 to Friends of Community Board Six, Friends and Residents of Greater Gowanus and the Gowanus Canal Community Development Corporation for a study of the Gowanus Canal Corridor Aquatic Brownfield and Upland Brownfield Avenue. DEC also awarded $50,000 for a Technical Assistance Grant. With these grants in place, it would be premature to conduct an Environmental Site Assessment under CEQR. These community groups should be given appropriate time to conduct the BOA work before any determination is made by CPC as to the fitness of the proposed project site for residential development. (McClure PSN)

Response: Assessment under CEQR of the project site would not conflict with the objectives of the Brownfield Opportunity Area (BOA) program.

Comment 128: There should be no question as to "the need to perform soil or groundwater sampling" on the project site. There is ample evidence of high levels of toxicity in soil and groundwater throughout the Gowanus Canal basin. The entire project site must be tested to the fullest extent possible. (McClure PSN)

Response: Comment noted. The Scope has been revised to reflect that Phase II testing (soil and groundwater) has been performed.

WATERFRONT REVITALIZATION PROGRAM

Comment 129: Given the poor water quality in the canal, and the extremely, toxic nature of the soil contained on land surrounding the canal, an environmental Master Plan should be implemented prior to any redevelopment within the canal basin. The Master Plan should be developed by the multiple Federal, State and City agencies with jurisdiction, including the Federal Environmental Protection Administration, the Army Corps of Engineers, the State Department of Environmental Conservation, the City Department of Environmental Protection and the City Planning Commission. It's essential that the work of these disparate agencies be coordinated, with an overarching goal of restoring the canal's ecology as completely as possible. With the city and state committed to spending upwards of $200 million to improve the quality of the canal's water, it

makes no sense for CPC to act independently, especially as a decision to allow this project could potentially contravene the goals of the water-quality effort through the disturbance of potentially highly toxic soil. (McClure PSN)

Response: New York City's Waterfront Revitalization Plan (WRP) is the city's principal coastal zone management tool and it establishes the city's policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. When a proposed project is located within the coastal zone and it requires a local, state, or federal discretionary action, a determination of the project's consistency with the policies and intent of the WRP must be made before the project can move forward. For local actions (such as the Proposed Project) requiring approval by CPC, CPC acting as the City Coastal Commission makes the consistency determination. As described in the Scope, the proposed project's consistency with the city's WRP will be assessed, and any impacts of the proposed project relative to natural resources due to the proposed land use changes will be presented in the EIS.

Comment 130: This task should not only "assess the proposed project's consistency with the City's LWRP," but should ensure full compliance with the City's LWRP, especially in light of the City and State's planned investment of more than $200 million to improve the water quality of the Gowanus Canal. (McClure PSN)

Response: When a proposed project is located within the coastal zone and it requires a local, state, or federal discretionary action, a determination of the project's "consistency" with the policies and intent of the WRP must be made before the project can move forward. For local actions (such as the Proposed Project) requiring approval by CPC, the CPC acting as the City Coastal Commission makes the consistency determination. The consistency review includes consideration and assessment of other local, state, and federal laws and regulations governing disturbance and development within the coastal zone. As stated in the *CEQR Technical Manual*, consistency review is supported and conducted with consideration of all the other technical analyses performed as part of the action's environmental assessment under CEQR.

Comment 131: The DEIS should consider additional small-scale retail and commercial uses, preferably artisan-, environmental- and community-oriented, along the canal. We believe that adding a mix of uses along the canal will help to enliven it, to the benefit of the project and the community at large. (CRRGC)

Response: The applicant is proposing approximately 2,000 square feet of commercial use, and approximately 2,000 square feet of community facility use which is expected to be occupied by the Gowanus Dredgers for equipment storage and community education. These proposed local commercial and community facility uses would support the local residential community. As described in the Scope,

the EIS will provide an assessment of the proposed project's consistency with the City's LWRP, which includes a policy aimed at encouraging non-industrial development that enlivens the waterfront and attracts the public.

Comment 132: The DEIS should address the issue of water quality standards for the Gowanus Canal, and what the impact of various decisions would be for the project and for the community. We are deeply concerned about the State's decision to settle for an "S-D" classification of the Gowanus canal waterway. The DEIS should consider the need to achieve "I" rather than "S-D" classification of Gowanus Canal Waterway, to allow for secondary contact and not only fish propagation. (CRRGC)

The proposal should support the Mayor's PlaNYC Master Plan's goal of opening the canal to fishing by reducing pollution. (Lodge)

Response: Any decision by the State regarding the water quality classification assigned to the Gowanus Canal is beyond the purview of the EIS. As described in the Scope, the EIS will provide an assessment of the proposed project's impact on water quality and consistency with the City's LWRP, which includes a policy aimed at protecting and improving water quality in the New York City coastal area.

Comment 133: Please include currently evolving public policy for coastal management of rising sea levels. How might the proposed build-out limit the implementation of any coastal policy developed to protect the local environment and residents of the site itself from encroaching sea levels? Please review EPA recommendations for strategic coastal retreat planning. (FROGG)

Response: As described in the Scope, the EIS will provide an assessment of the proposed project's consistency with the City's LWRP, which includes a policy aimed at minimizing loss of life, structures and natural resources caused by flooding and erosion.

Comment 134: This site, while Coastal Waterfront, isn't on the Waterfront Revitalization Program maps. It appears that WRP policies for flooding, erosion and natural resources et al. would not be applicable here. (FROGG)

Response: As described in the Scope, the project site lies within New York City's Coastal Zone Boundary, and therefore the EIS will provide an assessment of the proposed project's consistency with all 10 of the LWRP's policies.

Comment 135: The EIS should describe the potential for active recreational activities on the canal accessible from the project site in relation to current uses and projected uses of the canal. (MAS)

Response: As described in the Scope, the proposed project would include approximately 0.7 acres of continuous waterfront open space along the entire eastern boundary of the project site, providing the opportunity for future waterfront open space connections along the canal if additional waterfront development occurs in the future. The proposed project does not intend to remove the access point to the water that currently exists at the City-owned end of 2nd Street, which is currently used by the Gowanus Dredgers Canoe Club to access the water. The EIS will provide an assessment of the proposed project's consistency with the City's LWRP, which includes a policy aimed at promoting the use of New York City's waterways for recreational boating.

Comment 136: The EIS should explain how the proposed action will ensure public accessibility to the waterfront, outlining specific measures. (MAS)

Response: See Response to Comment 68.

INFRASTRUCTURE

Comment 137: Infrastructure will be overwhelmed. Water and sewer mains, electrical lines, and all forms of subterranean infrastructure will need to be thoroughly inspected and upgraded. A detailed evaluation of the electrical grid should be conducted to ensure that there is sufficient infrastructure to power not only the project, but all of the proposed redevelopment in the Gowanus area. A cumulative analysis must be performed. (Hedge, Brookhart, Senator Connor, CB6)

Response: As described in the Scope, the EIS will provide an analysis of any potential impacts of the proposed project on infrastructure and energy systems. A cumulative analysis of projects occurring on or before the project build year will be undertaken. Analysis of impacts projects occurring after the project build year will be subject to their own environmental analysis which will include a cumulative assessment.

Comment 138: The EIS should include dimensioned and noted section diagrams and elevations showing natural grade, existing grade, proposed changes in grade, ground water levels, existing bulkhead heights and proposed changes, canal water levels at high and low tides, 100 year flood plains and all classifications of flood plains, existing and proposed sewer elevations. (FROGG).

Response: The Scope has been revised to state that the EIS will provide a graphic to provide the information mentioned in the comment.

Comment 139: The DEIS should consider a density-related contribution by this development to an infrastructure/environmental fund to support improvements to the canal area's infrastructure. (CRRGC)

Response: Comment noted. The EIS will assess the project's impacts on infrastructure and natural resources and identify mitigation measures for any significant adverse impacts.

Comment 140: The Draft Scoping Document indicates that study of infrastructure impacts will take into account conditions through the 2011 analysis year. At the risk of repeating ourselves, this is grossly inadequate. It does not make sense to *not* study the potential impacts of known future projects, such as Public Space, which may be completed after 2011, unless the decision not to study them is intended to *minimize* the impacts in order to help push this project through the approval process. In addition, given the likelihood of a future rezoning that would potentially alter the scale of neighborhood buildings to that of the proposed project, it is critical that the EIS take those potential changes into account. The Draft Scoping document indicates the intention of reviewing the past 12 months' flow rate for the Red Hook Water Pollution Control Plant. What's actually required is a study of *future flow rates*, based on the potential upzoning of the entire Gowanus Canal area, beyond the inadequate analysis year of 2011. (McClure PSN)

Response: Under CEQR/SEQRA, developments beyond the build year are not considered for the purposes of an EIS analysis. As stated in the Scope, projects such as Public Place and the area-wide rezoning proposal currently being studied by DCP will not be complete by 2011, and thus will not be considered in the EIS. However, as these and other projects move independently through the environmental review process, they will be required to account for the impacts of this proposed project in their cumulative impact analyses. That cumulative impact analysis will account for all earlier projects. The process is structured this way so that the sponsor of a discrete proposal can be required to mitigate the significant adverse impacts caused by that proposal.

Comment 141: The build year should be modified to at least 2012. This would allow for analysis to consider the planned upgrades to the flushing tunnel and pumping station expected to be implemented by 2012. (BBPO)

The EIS must analyze the Gowanus Pumping Station facility upgrade work. (CB6)

Response: The proposed project's build year is 2011. However, in response to this and similar comments received during the public scoping process, the Scope has been revised to include an analysis, for informational purposes only, of the combined effects of the proposed project and future upgrades as per DEP's Gowanus Canal Waterbody/Watershed Facility Plan. These conditions will be analyzed for 2013, the year in which the proposed upgrades are expected to be completed.

SANITARY SEWAGE

Comment 142: How much will this project be adding to the sewer system over the present site usage? What will the additional volume of dirty sewage in the Bond sewer system mean to our local community? (Donelly, Ellis)

The new demand on sanitation services should be analyzed. (CB6)

Please expand the study to include impact on operations at the Bond-Lorraine facility. The applicant should propose mitigations that would result in no new additions to the Bond Street Sewer. Because the Bond sewer is known to be regularly inundated by rain water which causes sewage backflow into buildings along Bond Street and adjacent streets, and at times gushes sewage back out from Bond Street sewer caps, the EIS needs to provide an analysis of how this development might change these conditions, and also how these conditions might effect the existing community and the new inhabitants of the proposed project. (CB6, FROGG)

Response: As described in the Scope, the EIS will assess the potential impacts of the proposed project with respect to impact on the local sewer network (including the Bond/Lorraine sewer in Bond Street) and its capacity to handle the added sanitary flows of the project.

Comment 143: In assessing flow rates for the Red Hook Waste Water Pollution Control Plant, we request that daily flows (high and low) to Red Hook WCP be used. (FROGG)

Response: Based on *CEQR Technical Manual* guidance, the actual average annual dry-weather flows to the WPCP serving the project site are typically used to consider the effects of the flow from the project on the total flows to the plant. This is the methodology that will be used in the EIS.

Comment 144: This task should analyze the potential for on-site wastewater treatment and assess how that might reduce the project's effect on the canal. (McClure PSN)

Consider an option that would capture and treat all wastewater on site, therefore reducing the impact to Combined Sewer Overflows. If the Project needs to be increased in density to finance this option, the Project should be re-scoped. (GDCC)

The project should have on-site wastewater treatment. (Lander, CB6)

Response: The applicant is not proposing on-site wastewater treatment as part of the proposed project. As described in the Scope, the EIS will assess the potential impacts of the proposed project with respect to impact on the local sewer network and its capacity to handle the added sanitary flows of the project.

STORMWATER

Comment 145: Why should the project release their storm water directly into the canal and not into a cistern system where the water could be released during dry weather? (Brookhart)

Response: All stormwater from the project site is proposed to be conveyed to the canal as directed by DEP. While stormwater would not be held in a cistern system, all stormwater from the proposed project on the two project blocks will be treated before being discharged to the canal. As described in the Scope, the EIS will assess future stormwater generation from the proposed project and assess its potential for any stormwater impacts.

Comment 146: The [City is] requiring developers now to include retention basin facilities within their development. But the City should put in a retention basin. (Scotto)

Response: Comment noted.

Comment 147: The project should reuse stormwater (Lander, CB6)

Response: Comment noted.

Comment 148: How will the density of the complex and additional paved surface areas increase the amount of storm water runoff? (Brookhart)

Response: The proposed project will be reducing the amount of paved surfaces on the project site, not increasing it. With the proposed project, some existing paved surfaces and structures would be replaced with landscaped open space and a landscaped waterfront area. As described in the Scope, the EIS will include a comparison of runoff characteristics from the current vacant/warehouse land cover with the proposed land cover of residential/open space.

Comment 149: In evaluating existing sewer inputs, this report should acknowledge much of the site is not sewered. The Draft Scope projects that this site will be removing storm water from the sewer system. If any storm water is making it into the sewer system, that must be substantiated with pumping capacities given. (FROGG)

It seems that the scoping document has already concluded that the development will bring improvement to our local drainage problems. The environmentalists making this analysis, on behalf of this developer, need to carefully analyze the present No Build scenario where current storm water goes down roof gutters and cascades down the sidewalks and into the canal, not into the combined sewer system uphill from the site. If this site does have any volume that is being sent uphill into the sewer system, the DEIS should disclose that and the volumes

and quantities that are mechanically uplifted up to the sewer system. This is an insult to the neighborhood besides being illegal against New York City building code. (Donelly, Ellis)

Response: The project site is on the west side of the canal. The Bond Street sewer beneath Bond Street currently serves the project site. As described in the Scope, the EIS will provide a description of the existing storm water drainage patterns on the project site.

Comment 150: The NY/NJ Harbor Estuary Program's Contaminant Assessment and Reduction Program should be considered with respect to contaminant concentrations in storm water. The separation of the sanitary and storm sewers could result in an increase in contaminant loads. (Lodge)

There is no discussion of the composition of the water that will be discharged directly into the canal from the new storm sewers and outfalls. (Riverkeeper)

Response: As described in the Scope, all stormwater from the project site on the two project blocks will be treated on-site prior to discharge through the proposed new stormwater outfalls. As described in the Scope, the EIS will assess future stormwater generation from the proposed project and assess its potential for any stormwater impacts.

Comment 151: Include: documentation of the waste water backups/flooding incidents of nearby homes by collecting complaints filed through the City's 311 system, Community Board 6 and the area's local elected officials; verification of the height of the water table on the site and on the blocks on the west side of Bond Street to assess the site capacity to absorb storm water without runoff; preparation of a drainage basin of the project site to confirm how much storm [water] actually is directed to the Bond Street interceptor combined as opposed to storm water now draining into the Gowanus Canal. (BBPO)

Response: As described in the Scope, the EIS will provide a description of the existing storm water drainage patterns on the project site and will describe the proposed stormwater management plan. It is beyond the scope of the EIS to review all complaints made to the City's 311 system, however, based on the comments of Community Board 6, and the area's local elected officials, an extensive analysis of the proposed project's local impacts on the City's infrastructure will be presented in the DEIS, including an analysis of water tables, groundwater infiltration, storm runoff, and potential impacts on the Bond Street sewer.

Comment 152: The section on Infrastructure must also include a full analysis and disclosure of how the proposed project would meet the goals of the recently enacted Local Law 630, which outlines objectives for improving the City's storm water management. (McClure PSN)

Response: See Response to Comment 27.

COMBINED SEWER OVERFLOW (CSO)

Comment 153: An analysis should be performed to demonstrate that the project's sanitary flow contributions to combined sewers will be appropriately offset by construction of separate sewers and outfalls to the canal directing storm flow out of the combined sewer system. (DEP)

Response: The Scope has been revised to clarify that the EIS will include an analysis of the project's sanitary flow contributions to combined sewers, including the effects of the separate sewers and outfalls to the canal which would direct storm flow out of the combined sewer system.

Comment 154: Additional low impact development features such as permeable pavements and green roofs, water reuse, street trees and rain gardens, and stormwater capture and other BMPs should be incorporated as components of the project to eliminate CSO impacts. (Riverkeeper, CB6)

Response: As described in the Scope, the EIS will provide an assessment of impacts with respect to CSOs. To the extent that additional measures are necessary to mitigate impacts, they will be presented in the EIS.

Comment 155: An assessment should be made concerning the effects of the project's added sewage on the Combined Sewer Overflows in the vicinity. (BBPO, MAS, Buxbaum,CB6)

Response: The Scope has been revised to include a description of an expanded analysis that will be conducted as part of the EIS, to quantitatively determine the potential impacts from the proposed project on CSO discharges to the canal.

Comment 156: In following the zoning changes, how [many] additional residents might also be added to the Bond sewer line? What will the development have on the Bond sewer during rain storms, not just during dry weather?(Donelly MPSC)

Response: See Response to Comment 143 and 154.

Comment 157: The applicant should analyze the impact of the grade changes of the proposed action on the City's combined sewer system and possible overflows. The grade of this land and the height of the canal's bank is a piece of infrastructure designed to allow residential use upland from this site. This project proposes to alter the grade infrastructure with significant impact on existing residential use upland and adjacent to the site. We need a careful analysis of existing groundwater table for this site and the adjacent areas, along with an analysis any change of grade will bring. (Riverkeeper, FROGG)

Response: See Response to Comment 154 and 160.

FLOODPLAINS

Comment 158: In addition to being constructed above the Federal Emergency Management Agency (FEMA) 100-year base flood elevation an additional foot of freeboard should be added as a measure to compensate for unknown factors. (DEP)

Any new construction along the canal, regardless of use, should be required to prepare for floods by elevating critical systems above the currently recommended FEMA flood levels. (Kray)

Response: All buildings on the project site would comply with both FEMA and New York City Building Code requirements regulating construction within flood hazard areas.

Comment 159: Widespread predictions of rising sea levels caused by global warming make current floodplain considerations obsolete. Analyses of project impacts related to floodplain must account for projected increases in sea level, and the potential catastrophic effects of storm surge resulting from a hurricane. The entirely of the project site lies within New York City's Hurricane Evacuation Zone A, meaning the entire site would potentially be inundated by storm surge from *any* hurricane, let alone a Category 4 of 5 storm. (McClure PSN)

With global warming and the associated rise in the sea levels, any new development along the Gowanus Canal makes no sense. (Baer)

Response: All buildings on the project site must comply with both FEMA and New York City Building Code requirements regulating construction within flood hazard areas. This includes a first floor elevation of the proposed buildings that would be 1 foot above the flood elevation.

Comment 160: The EIS should provide an explanation about how the proposed development will comply with FEMA law, DEC Flood Plain Rules, and NYC Building Codes that address flood plain laws. It should also provide design details for proposed reconstruction of the bulkheads so that their impacts can be assessed. (FROGG)

Response: As described in the Scope, the EIS will provide a discussion of key project elements in the Project Description chapter. The proposed bulkhead improvement will be included in this discussion. In addition, the DEIS will discuss how the proposed development will comply with all applicable regulations, including FEMA and New York City Building Code requirements. The Scope has been revised to clarify this point. Also See Response to Comment 158.

Comment 161: The proposed project lies in a low lying flood plane. New York City is particularly vulnerable to storm surges and rising seas, and to the effects of a warmer climate. The Gowanus and the surrounding areas will feel the impact of the climate change. As we are already experiencing raw sewage backup, the potential that global warming making things worse is a very real concern. Hoyt Street is at a higher level than Bond Street. If the proposed project is built upon a man made elevated hill this would create a valley on Bond Street. This could create even greater occurrences of flooding. (Mc Ternan)

Gowanus basin is a low-lying creek bed which currently floods upon minor rain events. The EIS should specifically address the impact of the change in street grade proposed for the project site on residences as well as existing infrastructure up-hill from the site. Is the proposed development suitable given the rising water table and global warming? The heavy rain storms are more frequent and more damaging and the water level in the canal seems to be about a foot higher than what the sides on the canal were built to withstand in the 19th century. The overall groundwater table is higher and contributes to the water inundation in the basements of the houses in the neighborhood. (Salvatore, Ellis, Baer, Kray, Fenton, MAS, Skollar)

Should a category one or greater storm occur in our area, how will it alter the drainage grade of this site, effect the drainage or receding storm water? (Salvatore, Ellis)

Infill of land at the bottom of a drainage basin has known ill effects on the surrounding areas as water is displaced in the region. (FROGG)

Reconfiguring the site's natural overall drainage system is likely to result in some unforeseen consequence. (CB6)

Response: The Scope has been revised to include an analysis of the potential impacts from the proposed project related to flooding and future drainage conditions due to the proposed grade changes.

ENERGY

Comment 162: The project should meet Leadership in Energy and Environmental Design (LEED) standards. The lead agency should analyze methods in which to reduce energy demand, either through green building technologies, green roofs, greywater systems, or other infrastructure improvements. (CRRGC, MAS, CB6)

The Project should propose to seek LEED Gold and set the minimum acceptable LEED level as LEED Silver. (GDCC)

Toll Brothers Proposed Draft for 363-365 Bond St. will be he first phase of many along the waterway of the Gowanus Canal. Toll Brothers should set a precedent by using "Green Building" guidelines for this initial complex in Gowanus. (De Carlo)

Response: The proposed buildings would be designed to meet LEED standards. The level of LEED standard has not yet been determined.

Comment 163: The Project should analyze including alternative fueling stations within the proposed parking garage. (GDCC)

Response: No fueling stations are being proposed within the accessory parking garages.

Comment 164: The effect of the demand from the new structures and the added car and truck traffic most certainly raise energy concerns, and must be fully detailed and studied in the EIS, examining the long term and cumulative impacts. (MAS)

Response: Energy consumed by car and truck traffic is outside the scope of CEQR.

Comment 165: The lead agency should document and disclose the power mix (the fuels used to supply electricity and their resultant air pollutant emissions, including the emissions of carbon dioxide) for the project site. The lead agency should also analyze the transmission capacity and the likelihood of transmission congestion resulting from this project. (MAS)

Response: The fuel sources related to the proposed project and the potential impacts from these sources will be analyzed in the EIS. The resultant air emissions will be examined only to the extent that those emissions are generated on-site.

Comment 166: Tall buildings will cast shadows on neighboring properties preventing them from taking advantage of any passive solar energy collections. The EIS should: 1) Quantify the economic loss to homeowners based on their inability to produce their own renewable energy, and 2) Quantify the resulting carbon and greenhouse emissions that result from this loss. (Buxbaum, FROGG)

Response: The economic loss to homeowners and the resultant greenhouse gas emissions from shadows cast on privately-owned passive solar heating systems is outside the scope of a CEQR analysis.

Comment 167: If pumps will be employed across the site to mitigate drainage problems whether from groundwater seepage or rain, the energy requirement of those systems should be included in describing the energy demands for the developed site. (FROGG)

Response: No pumps are proposed on the site to address drainage.

Comment 168: This task should analyze the degree to which the installation of on-site photovoltaic panels or green roof elements would reduce the project's demands on the existing electricity infrastructure, as consistent with PlaNYC's goals. (McClure PSN)

Response: The EIS will analyze the project's demands on the existing electricity infrastructure. To the extent the proposed project results in a significant impact, practicable mitigation measures to reduce the project's energy demands will be identified.

TRAFFIC AND PARKING

TRAFFIC

Comment 169: The EIS should consider developments that are likely to take place beyond the build year. (CRRGC)

To adequately and correctly estimate the traffic impacts of this project, the analysis year must be extended well beyond 2011. (McClure PSN)

Response: The proposed project will be constructed and become operational by the year 2011. Therefore, as per *CEQR Technical Manual* guidelines, traffic impacts will be analyzed for the 2011 build year, and developments that are likely to take place beyond the proposed project's build year are not considered for the purposes of EIS analyses. However, the EIS will include the potential developments that are expected to be completed by the proposed project's anticipated build year, which is 2011.

Comment 170: Because this proposed development is taking a site that has special waterfront transportation infrastructure not typically available in our city, and is removing that transportation use from the site, the EIS needs to assess that loss of transport infrastructure. Please consider this loss in context of our greater society's need to shift our transportation needs away from trucking-intense transportation. (FROGG)

Response: The proposed project site does not include any special waterfront transportation infrastructure. An analysis of greater society's transportation needs is beyond the scope of the EIS.

Comment 171: While the Draft Scoping document cites a preliminary trip-generation study conducted in 2006 as the basis for focusing the traffic analysis on weekday AM and PM peak hours, that thinking is flawed, for two reasons. First, it fails to account for the fact that neighborhood residents are for more likely to commute by means other than automobile, as a survey conducted by Brooklyn Community Board Six found in 2006. Area residents are more likely to use their vehicles for errands, which are most likely to occur on weekends. Hence, any traffic analysis should include a study of *weekend* peak hours. Secondly, the study fails to take into account the enormous effect that the Whole Foods Market planned for 3rd Avenue and 3rd Street would have on the area's traffic. According to a presentation made by Whole Foods executives to the Park Slope

Civic Council on January 4th, 2007, the company estimated that the Gowanus Whole Foods will have 420 parking spaces and will generate 1,500 daily visits by car, seven days a week (and one can only imagine that the company's estimates are self-servingly conservative). Logic would dictate that the car-based grocery shopping trips are more likely to occur on weekends. The EIS should study the Fairway Market in Red Hook to ascertain if this hypothesis is correct. If it is, the "worst-case" scenario for traffic would certainly be during weekends. (McClure PSN)

Response: The trip generation estimates presented in the Draft Scoping Document include other modes of transportation (in addition to automobiles) by incorporating the public transit and walk trips. The traffic impact study will analyze the weekday AM and PM peak hours at which the trip making activity from the proposed project will be at its maximum, thereby resulting in the reasonable worst case scenario for assessing the proposed project's traffic impacts. Weekend trip generation estimates for residential uses are generally lower than the weekday conditions, and therefore, do not represent the peak hour of activity. For this reason, a weekend traffic analysis is not necessary for this project. The EIS will include the potential development projects planned in the study area which are anticipated to be completed by the proposed project's build year—including the Whole Foods Supermarket.

Comment 172: The study area for the analysis of traffic and parking should certainly be expanded to a ½-mile perimeter, in order to include the growing population (and concurring increase in vehicles) attendant with the recent upzoning of Fourth Avenue. All of the new large residential buildings along the Fourth Avenue corridor include large amounts of on-site parking, and will add considerably to neighborhood traffic. CPC should also consider expanding the study area to encompass the planned Atlantic Yards development, given that project's potential to tremendously increase traffic. The EIS must specifically analyze the intersection of 3rd Avenue and 3rd Street, as this will be the intersection most directly affected by the planned Whole Foods Market. (McClure PSN)

The study area should be expanded from what is stated in the Scoping Document to include Smith Street to the west and include the intersection of Union and Smith Streets, and Union and Hoyt Streets. The area should also be expanded east to include the intersection of 3rd Avenue and 3rd Street. (Oliva)

The study area should be extended. (BBPO, CB6, MPSC)

Response: The traffic study area proposed in the Draft Scope of Work is appropriate and does not need to be expanded. The study area consists of intersections that are likely to be affected by the project generated traffic. The impact of project generated traffic beyond the study area identified in the Scope will diminish as the vehicles get distributed in the broader study area.

Comment 173: The preliminary trip-generation study sources estimates on modal splits and vehicle occupancy for the analysis of Neighborhood Retail Trip Generation to the Atlantic Yards FEIS. This is an inappropriate comparison, as the Atlantic Yard project is sites adjacent to two large shopping malls, one of which includes a large supermarket. The site of the proposed 363-365 Bond Street project is in no way analogous to that of Atlantic Yards. To estimate that only 2 percent of retail shopping trips would be made by automobile is a not-credible effort in lowballing. In addition, the Atlantic Yards FEIS, and especially it[s] chapters on traffic and transportation, have been widely criticized for severely understating impacts. (McClure PSN)

Response: The proposed project would provide 2,000 sf of commercial space which will likely serve the building residents and the patrons living in the close vicinity of the project site. For analysis purposes, it is assumed that this space would be occupied by a neighborhood commercial use. A vast majority of these patrons can be expected to make the shopping trip by walking to-and-from the commercial facility. The modal splits and vehicle occupancies used in trip generation analysis were based on commonly used rates for neighborhood retail use across the City, which have been approved by City agencies on past projects. Most recently, these rates have been used in the Atlantic Yards FEIS, Downtown Brooklyn Development FEIS. The Scope has been revised to clarify this point. In addition, the trip generation analysis did not take credit for the pass-by or linked trips—which are generally 25 percent of the total number of trips—for the neighborhood commercial use. This presents a conservative analysis by overestimating the number of trips expected to be generated by the neighborhood commercial use by not taking credit for pass-by trips that will be attracted to the neighborhood commercial use from the traffic passing the site on adjacent streets.

Comment 174: The Draft Scoping document indicates that the traffic analysis will use the background growth rate specified in the *CEQR Technical Manual* to estimate future traffic increases. The Final Scoping document must indicate whether it considers this project to be in "Downtown Brooklyn" (0.5 percent background growth rate) or "Other Brooklyn" (1.0 percent background growth rate). In addition, since the *CEQR Technical Manual* has last updated in 2001, the EIS should consider whether real growth has outpaced the specified background growth rate in the past six+ years. (McClure PSN)

Response: The background growth rate of 1 percent per year—as identified in the *CEQR Technical Manual*—for Other Brooklyn will be used in the traffic analysis. This background growth rate will be identified in the Final Scope of Work.

Comment 175: The parking and traffic analysis should be studied in conjunction with the Downtown Brooklyn Traffic Calming Study, the Downtown Brooklyn Transportation Blueprint and any other DOT plans for area. (McClure PSN)

Response: Comment noted.

Comment 176: The EIS should study the potential mitigation effects of restricting on-site parking (as is done with new construction in Manhattan) as a means of reducing and discouraging private vehicular ownership and use by project residents. (McClure PSN)

Response: The EIS will analyze the parking conditions in the future with the proposed project. If based on the results of the analysis there are parking impacts, potential mitigation measures will be recommended.

Comment 177: The EIS should analyze the effect that the project will have on existing bicycle lanes and routes, with an eye to creating connectivity with the existing bike network. (McClure PSN)

Response: The EIS will provide an assessment of traffic/pedestrian safety conditions, and will also include a list of any high vehicle/pedestrian and vehicle/bicycle accident locations in the study area based on the criteria outlined in the *CEQR Technical Manual*. If any high vehicle/pedestrian and vehicle/bicycle accident locations are identified, then mitigation measures will be recommended to improve the safety conditions.

Comment 178: The streets will become more congested from the cars added to the neighborhood by the project, including the streets near the local schools. (McVoy, Donellan, Squadron, Fenton)

Response: The EIS will provide a detailed assessment of traffic conditions at the study area intersections identified in the Scope. For locations where potential traffic impacts are identified—based on the *CEQR Technical Manual* criteria—mitigation measures will be proposed to alleviate congested conditions.

Comment 179: The scope indicates nine intersections that will be studied to gauge the impact of the new development. This is an oversimplified approach. I request that this study be conducted by a third party agreed upon by the Carroll/Gowanus Community to assess impact on the following additional intersections with Hoyt Street: Sackett, Union, 2nd Street, 3rd Street, 4th Street; the following intersections with Smith Street: Sackett, Union, President, Carroll, 2nd Street and 2nd Place, 3rd Street and 3rd Place, 4th Street and 4th Place, and the following intersections with Atlantic Avenue: Court, Smith, Hoyt, Bond, Nevins, 3rd Ave, 4th Ave. (Meakem)

Response: Comment noted. Pursuant to CEQR, the lead agency has requested that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS). Given that the lead agency and other involved and interested City and State agencies will be reviewing the DEIS, no preparation of an analysis by a third party is necessary.

PARKING

Comment 180: The project does not provide sufficient parking spaces for the new residential units. The neighborhood already suffers from a shortage of parking exacerbated by commuters who park in the area to ride the short subway trip. This condition will be worse if "Congestion Pricing" is realized. (Fenton, MPSC)

Response: The EIS will analyze the parking conditions in the future with the proposed project. If based on the results of the analysis parking impacts are identified, potential mitigation measures will be recommended.

Comment 181: Roads are currently blocked due to double parking. This limits access for emergency vehicles. (Fenton)

Response: Enforcement of parking rules/regulations at the study area streets is beyond the scope of the EIS.

Comment 182: The Project should consider increasing the number of parking spaces by 30 percent and disclose the impact to traffic and neighborhood parking availability. In addition, the Project should consider decreasing the number of parking spaces by 30 percent and disclose the impact to traffic and neighborhood parking availability. (GDCC)

Response: The EIS will analyze the parking conditions in the future with the proposed project. If based on the results of the analysis parking impacts are identified, potential mitigation measures will be recommended.

TRANSIT AND PEDESTRIANS

SUBWAYS AND BUSES

Comment 183: The affect of additional passengers loading and unloading on the F and G platforms at the Carroll Street subway station should be assessed. (CB6, MPSC)

The affect of additional passengers on the bus lines should be assessed. (CB6)

The transit system is currently overburdened. The subway cannot accommodate the additional commuters from this and other local developments. (Donellan, Squadron, Fenton)

Response: As identified in the Scope, the EIS will provide a qualitative assessment of transit conditions—including subway service and local bus routes—based on the criteria outlined in the *CEQR Technical Manual.*

Comment 184: The scope should include an analysis of the number of additional trips that may be generated by those who may reside at the Public Place site in 2012. (BBPO)

To understand the base-line conditions in the build year, the analysis should include all development occurring in Carroll Gardens and along Park Slope's Fourth Avenue most proximate to the Carroll Street and Union Street stations. (BBPO)

Response: As per *CEQR Technical Manual* guidelines, developments that are likely to take place beyond the proposed project's build year are not considered for the purposes of EIS analyses. Since the Public Place site will be become operational after the proposed project's build year of 2011, the analysis of trips generated by this project is beyond the scope of the EIS.

Comment 185: The scope does not include a study of the impact on public transportation. There is already significant need for additional bus and subway service to the neighborhood, and along the entire corridor of the F Train. As such, I request that a comprehensive study be conducted on the impact that the development will have on the F/G/A/C/E/N/R/4/5/2/3 lines. I request that this study be completed by a third party agreed upon by the Carroll /Gowanus community. (Meakem)

Response: As identified in the Scope, the EIS will provide a qualitative assessment of transit conditions—including subway service and local bus routes—based on the criteria outlined in the *CEQR Technical Manual.* As required under CEQR the CPC is the lead agency for this environmental review and the DCP acting on behalf of the CPC will accept the DEIS as appropriate for public review when it is deemed complete.

Comment 186: The Project should expand the study area to include analysis of and impact to the Bergen Street, Carroll Street, Smith/9th Street and Union Street subway stations and subway lines that serve those stations. (GDCC)

Response: Project generated subway trips are expected to use the Carroll Street/Smith Street (F and G subway lines) and Union Street/Fourth Avenue (M and R subway lines) stations which are located in the close proximity of the project site. It is unlikely that project generated subway trips will use the Bergen Street and 9th Street subway stations since these are located at a considerable distance from the project site. As identified in the Final Scope, the EIS will provide a qualitative assessment of subway station conditions for the Carroll Street/Smith

Street and Union Street/Fourth Avenue subway stations based on the criteria outlined in the *CEQR Technical Manual*.

PEDESTRIANS

Comment 187: The influx of people would mean too many strangers, too many people walking through the area. (Donellan)

Response: Comment noted.

Comment 188: Consider the full range of place-making options that promote pedestrian and bicycle usage. (CRRGC)

Response: Comment noted.

Comment 189: The applicant should propose measures to enhance pedestrian safety. (CB6)

Response: The EIS will provide an assessment of traffic/pedestrian safety conditions, and will also include a list of any high vehicle/pedestrian and vehicle/bicycle accident locations in the study area based on the criteria outlined in the *CEQR Technical Manual*. The Scope has been revised to reflect this analysis. If any high vehicle/pedestrian and vehicle/bicycle accident locations are identified, than mitigation measures will be recommended to improve the safety conditions.

Comment 190: Pedestrian paths to existing public transit options should be analyzed. (CB6)

Response: As identified in the Scope, pedestrian conditions in the study area will be analyzed for up to three locations including the pedestrian paths to nearest existing public transit facilities.

Comment 191: Since the preliminary trip-generation study claims that 90% of neighborhood retail trips would either be on foot/other or via subway (which would require a walk to the nearest station), any pedestrian analyses should study far more than three intersections. (McClure PSN)

Response: Comment noted. Based on preliminary trip-generation studies, the CEQR threshold for conducting pedestrian analyses would not be triggered. However to provide additional information regarding the potential for impacts from pedestrian traffic, the EIS will include an analysis of pedestrian impacts at up to three intersections.

AIR QUALITY

Comment 192: The Scope of Work should address potential $PM_{2.5}$ impacts from mobile and stationary sources. (DEP)

Response: The Scope has been revised to address potential $PM_{2.5}$ as necessary.

Comment 193: The Scope of Work should indicate that for the industrial source analysis, in the event that no permits are available from DEP's Bureau of Environmental Compliance for a given location, but emissions are apparent, an analysis will be conducted following the guidelines outlined in the *CEQR Technical Manual*. (DEP)

Response: The Scope has been revised to reflect this comment.

Comment 194: The Scope of Work should indicate how any potential impacts due to odor from the Gowanus canal will be addressed. (DEP)

Response: The Scope has been revised to address potential impacts due to odors from the Gowanus canal.

Comment 195: Please note that the latest DEC DAR-1 AGC/SGC tables are dated September 2007. (DEP)

Response: The Scope has been revised to cite the most current DEC DAR-1 tables dated September 2007.

Comment 196: The Scope of Work should note that the most recent available meteorological data will be used in the analysis. (DEP)

Response: The Scope has been revised to reflect this comment.

Comment 197: The Draft Scoping document indicates that the procedure for screening for HVAC emissions "involves determining the distance (from the exhaust point) within which potential significant impacts may occur, on elevated receptors (such as open windows, air intake vents, etc.) that are of an equal or greater height when compared to the height of the proposed projects [sic] HVAC exhausts." Since the proposed project would be *much* taller than any nearby buildings, the EIS should include alternate means of measuring such emissions. (McClure PSN)

Response: As presented in the Scope, the HVAC screening analysis will be performed according the guidance presented in the *CEQR Technical Manual*. The approach screening procedures provide a conservative approach to determining air quality

impacts from HVAC sources. If the proposed project's HVAC systems fail the screening analysis, detailed analysis will be performed.

Comment 198: The Draft Scoping document indicates that "a temperature of 43°F will be assumed" for analysis of the emissions generated by the proposed parking garage? Why? Shouldn't emissions be estimated at different temperature levels? The EIS needs to explain this. (McClure PSN)

Response: The *CEQR Technical Manual* provides guidance regarding the temperatures to be used in generating the emissions estimates using Mobile6 emissions model. The temperature of 43°F is required for the modeling of these types of emissions.

NOISE

Comment 199: The Scope of Work should address mobile and stationary sources separately. (DEP)

Response: The Scope has been revised to address mobile and stationary sources separately.

Comment 200: The Scope of Work should indicate that the potential impacts from stationary sources will be assessed following the guidelines outlined in the *CEQR Technical Manual.* (DEP)

Response: The Scope has been revised to reflect this comment.

Comment 201: The Scope of Work should state that in cases where the noise screening indicates a doubling of passenger car equivalents or exceedances of more than 3 dBA, the Traffic Noise Model will be used to assess impacts. (DEP)

Response: The Scope has been revised to reflect this comment.

Comment 202: The proposed action will impact the community in terms of noise and sound pollution. (Rodriguez)

Response: As described in the Scope, an analysis will be performed to determine whether the proposed action would result in any significant adverse noise impacts.

Comment 203: The Draft Scoping document states that a significant traffic noise impact "occurs when there is a doubling of baseline traffic volumes on any street," and indicates that a screening analysis will be performed to see if "such conditions are likely to occur." Since the planned entrances to the garages, which will contain 206 parking spaces, would be located on 1st Street, which is a dead-end street with minimal traffic currently, it's safe to assume that the project's impact will be significant in this regard. (McClure PSN)

Response: As described in the Scope, a screening analysis will be performed to determine if there are any locations where project-generated traffic would have the potential for causing a significant noise impact. If such locations, including 1st Street, are identified, a detailed impact analysis will be performed.

Comment 204: The measurement of ambient noise is in relation only to the indoor environment of the community. I request that an impact study be conducted by a third party agreed upon by the Gowanus/Carroll community to also measure the actual noise—outdoors—that will be experienced in the area. (Meakem)

Response: Comment noted. Pursuant to CEQR, the lead agency has requested that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS). Given that the lead agency and other involved and interested City and State agencies will be reviewing the DEIS, no preparation of an analysis by a third party is necessary.

CONSTRUCTION IMPACTS

Comment 205: Responsible contractors and operators are essential to ensure the safety and health of both workers and neighbors, to create good job opportunities and to guarantee quick and efficient construction and reduce dislocation of the community. (Council Member de Blasio, CRRGC)

Response: An assessment of contractor responsibility is beyond the scope of a CEQR analysis and is subject to the laws of the City of New York.

Comment 206: The DEIS should detail the need and plans for a neighborhood advisory committee, a 24-hour, single point-of-contact with the developer/contractor, regular meetings, advance scheduling and notice of construction actions, provided to the neighborhood advisory committee, one the site, and on the web. (CRRGC, CB6)

Response: The provision of a neighborhood advisory committee during construction is beyond the scope of a CEQR analysis. However, the applicant's plans for community relations throughout the construction period will be described in the EIS.

Comment 207: Since the site of the proposed development is currently a brownfield, it is likely that contamination of the canal will occur during construction. The scale of the possible contamination and precautions to be employed by the applicant should be detailed in the DEIS. (Riverkeeper)

The EIS should:

- Study potential migration of noxious materials off-site and their health impacts.

- Study potential migration of noxious materials off-site in relation to further contamination of the canal and surrounding area.
- Study potential exposure to and health impacts of noxious materials on workers in the site and detail remediation plans.
- Examine health impacts and delineate detailed remediation plans for potential tenants living on the site.
- Study dewatering activities and potential contamination of surrounding sites within context of the larger rezoning plan.
- Study flooding impacts and migration of noxious materials off the site in relation to potential health hazards for residents on site and residents. (MAS)

Given the widely acknowledged presence of toxins in soil and groundwater throughout the Gowanus Canal basin, it's imperative that the EIS fully disclose *and* fully mitigate any potential threats related to the disturbance of soil and groundwater by construction. (McClure PSN)

Response: The EIS will include full disclosure of the potential impacts from the proposed project due to construction in relation to the hazardous materials that exist on the site. If significant adverse impacts are identified, mitigation measures will be considered.

Comment 208: The EIS must detail any baiting that will be done prior to demolition/construction to prevent rodent/vermin infestation of nearby homes and businesses. (MPSC)

Response: The EIS will include details of the proposed project's rodent control program.

PUBLIC HEALTH

Comment 209: The amount of traffic in that neighborhood is certainly probably going to increase asthma rates for the children in the neighborhood. (Briggs)

Response: To the extent that air quality impacts from mobile sources are potentially significant, the public health implications of such impacts will be analyzed in the EIS.

Comment 210: Will the DEIS adequately assess the projected risks involved in the construction on this environmentally high-risk, known toxic brownfield site? A public health and epidemiological baseline must be developed to consider the creation of new exposure pathways between sensitive receptors and on-site contaminants. (Olesker, Baer, CB6)

Response: As described in the Scope, the EIS will evaluate the likelihood of exposure, as well as the potential impacts of those exposures on human health due to hazardous material that may be present at the site, including any worker or

resident exposure either during construction or occupancy of the proposed project. The analysis will be conducted in accordance with *CEQR Technical Manual* guidelines.

Comment 211: The access to the waterfront should be safe from any potential public health threats caused by CSOs. (Riverkeeper)

Response: The proposed project will include access to the waterfront with a publicly-accessible open space. Any potential public health impacts will be disclosed in the DEIS relative to providing this access.

Comment 212: The study must assess the health impacts on sensitive receptors, including PS 32 and the St. Mary Star of the Sea Residence. (MPSC)

Response: The EIS will consider potential air quality impacts on sensitive receptors. Based on preliminary analyses prepared for this scope of work, the proposed project would not affect the air quality or public health related to PS 32 and the St. Mary Star of the Sea Residence.

Comment 213: Construction and operational demands on the existing public health network must be studied, which may suggest a short-term need for additional medical services, particularly mental health services for the community. (CB6)

Response: The construction and operational demands on the existing public health network is outside the scope of a CEQR analysis.

Comment 214: Research studies show that vapors off such water can carry viable pathogens. Possibilities of exposure of residents of the proposed project to these vapors need to be considered for health risks. There are many known volatile organic contaminants in the canal. There has to date been no dense human habitation along the canal. Studies must be made of the health implications of the VOCs on the new residents as well as the pathogens that also exist in large quantities on the canal. (FROGG)

Response: The EIS will include a screening analysis to determine whether such an assessment is needed. To the extent additional detailed analyses are necessary with respect to VOC's and pathogens, these analyses will be included in the DEIS.

Comment 215: The effects on the health and well being of the community due to the loss of the sunlight must be quantified in this study. (FROGG)

Response: As per CEQR, the EIS will assess the impacts of shadows on open spaces, sun-sensitive features of historic resources, and important natural features. It is

beyond the scope of a CEQR analysis to consider the impacts of shadows on the public health.

Comment 216: Given the widely acknowledged presence of toxins in the soil and groundwater throughout the Gowanus Canal basin, and in the canal itself, and the inadvisability of residential development in such an area *with anything less than full remediation of these toxic substances*, it's imperative that the EIS fully disclose *and* fully mitigate any potential threats. (McClure PSN)

Response: See Response to Comment 206.

MITIGATION

Comment 217: The applicant should commit to the development of a full mitigation plan to be reviewed by the community. (CB6)

Response: In accordance with SEQRA/CEQR, the EIS will disclose all significant adverse impacts and the need for any mitigation. All mitigation will be presented in the DEIS for review by the community.

Comment 218: Unavoidable adverse impacts are not acceptable. If such impacts can't be mitigated, the project should be altered so as to enable their mitigation. Since the City Planning Commission is considering a special rezoning, it can structure that rezoning in such a way as to ensure that all adverse impacts are eliminated. (McClure PSN)

Response: Unavoidable adverse impacts are permissible under CEQR and will be disclosed in the DEIS. In addition, the DEIS will include a chapter on mitigation, and the methods necessary to implement that mitigation. CPC will consider all proposed mitigation measures and unavoidable adverse impacts in their decision to approve the proposed project.

Comment 219: The Project should disclose the anticipated costs for different mitigation approaches and disclose the level of development needed to finance such mitigation and earn a reasonable profit. (GDCC)

Response: As required by SEQRA/CEQR the EIS will disclose all reasonable mitigation measures if significant adverse impacts are identified. While cost is a consideration in the reasonableness of mitigation, it is not required by CEQR that the financials of the project, including profit, be disclosed.

ALTERNATIVES

Comment 220: In making the analysis on sewage and storm water infrastructure, the planners need to heed the advice of the National Research Council, the research arm of

the National Academy of Sciences and a multi-agency effort of the Environmental Protection Agency. These reports confirm that the City would have to construct immense systems of coastal armor or back away from development in these coastal zones and suggest an alternative "strategic retreat" from the coastal area. Such a retreat should be evaluated as an alternative scenario for this site. (Donelly, Ellis)

Response: It is beyond the scope of the EIS analysis under CEQR to analyze a strategic "retreat" from the coastal area.

Comment 221: Review an alternative that include[s] at least 30 percent affordable housing units by square footage. (CRRGC)

Response: The proposed project would provide up to 130 units of affordable housing. If significant socioeconomic impacts are disclosed necessitating an evaluation of an alternative with a greater number of affordable units, it will be included in the EIS.

Comment 222: Review an alternative that includes additional small-scale retail and commercial uses, preferably artisan-, environmental- and community-oriented, along the canal. (CRRGC)

The project should analyze an alternate development program with more retail, art gallery and community facility program at street level, specifically along the canal and Bond Street frontage. These uses should encourage pedestrian patronage (not cars) and the maximum size of these spaces should be limited to the maximum retail size currently allowed by zoning (under 10,000 sf). Unlike residential use, according the Department of Buildings, these uses are allowed within the flood level elevation. (GDCC)

Response: An analysis of design alternatives, as suggested by the comment, should also meet the project sponsor's goals and objectives. The alternatives suggested in the comment would not meet the project sponsor's goals and objectives, and therefore will not be analyzed in the DEIS. The proposed project is predominantly a residential project, but also includes small-scale commercial and community facility uses as suggested by the comment. It is not the goal of the project sponsor to provide expanded commercial or community facility programs presented in the comment; however, it is recognized that the proposed project would provide residential, open space, commercial and community facility space near transit facilities that will encourage pedestrian and transit, rather than vehicle trips.

Comment 223: The scope should consider an alternative that is as-of-right without modification permitted according to a zoning bulk waiver permit. (BBPO)

Response: The applicant will 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 ULURP. With the inclusion of such a restrictive declaration, future development of the project site would be limited to the discretionary approvals granted by the City Planning Commission. Therefore, the inclusion of the alternative suggested by the commenter is unnecessary and will not be analyzed in the DEIS.

Comment 224: Under the current zoning, more possibilities exist for this site that under the proposed rezoning. In granting this zoning change the community will be forfeiting these other possibilities. (FROGG)

A 12 story development is not the only option. (Meakem)

Response: As noted in the Scope, an As-of-Right alternative, illustrating the potential effects of a development under the site's existing zoning, will be evaluated. In addition, a lesser density alternative will be considered.

Comment 225: This analysis should also examine a Green Alternative, where the building specifications and land use design reach LEED-Gold standards or higher and renewable sources of energy are utilized. (MAS)

An alternative technology scenario that would advance the *Gowanus Canal Corridor Planning Framework* goals should be considered. (CB6)

Response: As stated above, an analysis of design alternatives should also meet the project sponsor's goals and objectives, which will be stated in the DEIS. As noted in the Scope, an As-of-Right alternative illustrating the potential effects of a development under the site's existing zoning will be evaluated. In addition, a lesser density alternative will be considered. The applicant has stated that the proposed buildings will meet LEED standards. The level of LEED standard has not yet been determined.

Comment 226: A no unmitigated adverse impacts scenario, particularly with respect to shadows, should be considered.

Response: To the extent the DEIS identifies unmitigated shadow impacts, or any other unmitigated impacts, an alternative that minimizes or eliminates the impacts will be presented in the EIS.

Comment 227: There should be genuine outreach to community-based design organizations and even underwriting of community-based design organizations to get a full sense of what the community would prefer. (Skaller)

Alternatives to the proposed project must be real alternatives, and not just straw men put forth to fall short of the "stated goals and objectives of the proposed

project." Those goals and objectives correlate with nothing but the parameters of the project the developer desires to build. The City Planning Commission needs to represent the interests of the community, and not serve as a de facto member for commercial interests. (McClure PSN)

Response: In accordance with CEQR, the selection of alternatives is linked to the objectives of the project sponsor. The proposed project is a private development application for privately held land. The request for the underwriting of community-based design organizations is outside the scope of the CEQR analysis for the EIS. ✷