DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

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ENVIRONMENTAL COORDINATION

REVISED POSITIVE DECLARATION

(Supersedes Positive Declaration Issued February 4, 2008)

August 29, 2008

Project Identification
CEQR No. 08DCP033K
ULURP Nos. 090047 ZMK, 090048 ZSK, and 090049 ZRK
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

363-365 Bond Street
This Positive Declaration is being amended in light of planning activities currently being undertaken by the Department of City Planning ("DCP"), in order to address the Proposed Action's relationship to the potential future rezoning of the Gowanus Canal Corridor, an area which includes the Project Site.

At the time the Positive Declaration was issued on February 4, 2008, DCP had issued the "Gowanus Canal Corridor Framework" (the "Framework"), a planning document which set forth guiding principles relating to use, density, bulk, and waterfront access, intended to provide standards for formulating and evaluating proposals for future land use changes in an area of close to 60 blocks surrounding the Gowanus Canal. Since that time, on May 29, 2008, DCP has presented at public meetings a draft zoning proposal for 25 blocks in the Gowanus Canal Corridor which builds upon the "Framework." Future public meetings will be held to discuss and build consensus on the draft rezoning proposal. At the conclusion of this planning and consensus-building process, it is anticipated that a rezoning proposal will be proposed for consideration by the City Planning Commission ("CPC"). The location of the Project Site under the Proposed Action in relation to the 25 block area of the Gowanus Canal Corridor which is the subject of the draft zoning proposal is shown in Exhibit A.

The Proposed Action is an actual rezoning proposal that has been formulated and proposed by the Project sponsor and is currently the subject of environmental review. If

Robert Dobruskin, A.I.C.P., *Director*
James P. Merani, R.A., *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
rdobrus@planning.nyc.gov

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approved, the Proposed Action would be independent of, and not depend upon any area-wide rezoning of the Gowanus Corridor that may be formulated and eventually proposed by DCP and adopted by CPC in the future. Likewise, any potential future area-wide rezoning of the Gowanus Corridor would not be dependent upon the Proposed Action. Rather, the Proposed Action and any potential future area-wide rezoning of the Gowanus Corridor possess independent utility. As such, the current review of the Proposed Action separate from review of a future potential area-wide rezoning does not present issues of impermissible segmentation under environmental review.

Pursuant to 6 NYCRR Section 617.3(g)(1), the lead agency has in any event determined that circumstances would warrant a segmented review. To the extent an area-wide rezoning proposal for the Gowanus Canal Corridor is proposed for consideration by the CPC during the same timeframe as the consideration of the Proposed Action, or that the Framework may be deemed to be the equivalent of an actual rezoning proposal for purposes of SEQRA/CEQR, DCP has determined that environmental review of the Proposed Action may be permissibly segmented from review of any such plan for the larger Gowanus Canal Corridor.

The supporting reasons for this determination include:

1. The Proposed Action and any larger plan for the Gowanus Canal Corridor have independent utility and each will not dictate what occurs with respect to the other; approval of the Proposed Action is entirely independent from approval of a possible future area-wide rezoning and vice versa.

2. Any future area-wide rezoning of the Gowanus Canal Corridor would only apply to the Project Site in the event the Proposed Action is not approved or the Project Site is not developed in accordance with the Proposed Action following approval.

3. Separate and sequential reviews of the Proposed Action and any future potential area-wide rezoning would be no less protective of the environment than a single review of both. The environmental review of the Proposed Action will identify any significant adverse impacts and appropriate mitigations related to development under the Proposed Action. In addition, given the 'Build Year' for the Proposed Action of 2011, development under the Proposed Action would be reflected and accounted for in the 'Future No Build' baseline analyses that would be undertaken in connection with environmental review of any future potential area-wide rezoning, which would have a 'Build Year' later than 2011, resulting in assessment and disclosure of the cumulative impacts, if any, of both actions. In the event that those analyses identify significant adverse impacts resulting from development under the area-wide rezoning, considered in combination with potential development under the Proposed Action, appropriate mitigation measures will be identified and implemented to address them.

The applicant, Toll Brothers, L.P., is proposing discretionary actions in connection with the redevelopment of one block and a portion of a second block fronting the western shore of the Gowanus Canal in the Gowanus neighborhood of Brooklyn Community District 6. The proposed development would include residential, commercial, and community facility uses. The project site comprises Block 458, Lot 1, which is bounded by 1st Street to the north, the Gowanus Canal to the east, 2nd Street to the south, and Bond Street to the west; and Block 452, Lots 1 and 15, which are bounded by Carroll Street to the north, the Gowanus Canal to the east, 1st Street to the south, and Bond Street to the west. Two city-owned parcels, located on Block 452, Lots 5 and 19, would also be rezoned as part of the proposed actions, but redevelopment on these lots would not occur as a result.

The proposed actions consist of the following discretionary approvals:

- A zoning map amendment to change an M2-1 zoning district to Special Mixed Use District (MX): M1-4/R7-2. The existing M2-1 zoning district is a medium-density manufacturing district. It allows industrial uses at a maximum FAR of 2.0 and includes performance standards; it does not allow residential use. R7-2 districts allow residential use at a maximum FAR of 3.4. The proposed M1-4 district is a manufacturing district that allows light industrial and certain commercial uses at a maximum FAR of 2.0.

- A zoning text amendment to establish Special Mixed Use District (MX): M1-4/R7-2 on the blocks bounded by the Gowanus Canal, Carroll Street, Bond Street, and 2nd Street. In addition, *Zoning Resolution* (ZR) 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 special district and to provide for a base FAR of 2.7 and a maximum FAR of 3.6 within the special district. Finally, ZR section 23-942 (b) (2) would be amended to apply standard height and setback regulations of MX districts to developments utilizing the Inclusionary Housing Program in certain non-contextual districts.

- A Special Permit pursuant to ZR section 74-743 to modify the following requirements within a General Large Scale Development (GLSD): 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. 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 GLSD plans, which are subject to CPC approval.

In addition, the proposed project will require approvals from the New York State Department of Environmental Conservation (DEC) and the U.S. Army Corps of Engineers (USACOE) for the repair and replacement of the existing bulkhead. These

actions are subject to environmental review and will be conducted through a coordinated review with DCP, the lead agency. The proposed project would also require a State Pollution Discharge Elimination System (SPDES) permit from DEC for stormwater discharges during construction, as well as a Tidal Wetlands permit, a Protection of Waters permit, and a Long Island Well permit. Approvals may also be necessary from city and state agencies for the allocation of funds for affordable housing.

The proposed actions would facilitate a proposal by the applicant to develop approximately 602,603 gross square feet (gsf) above grade, including 447 residential units, 130 of which would be affordable units developed pursuant to the city's Inclusionary Housing Program; 2,000 gsf of commercial space; and 2,000 gsf of community facility space. 268 accessory parking spaces would be provided in two garages located on the ground floor of each block. The proposed residential structures would include a combination of low- and mid-rise apartments and townhouses. The accessory parking would be accessed via two proposed curb cuts located on 1st Street between Bond Street and the Gowanus Canal. The proposed development would include the construction of a publicly accessible waterfront along the entire project site fronting the canal.

The proposed development would include six buildings (three on each block) with components ranging in height from four to twelve stories. The taller structures would be located at the eastern end of the project site near the Gowanus Canal. On the western end of the project site, located along Bond Street, the structures would be six stories in height.

The approximately 3.4-acre project site is currently developed with manufacturing and industrial uses. Block 458, which is entirely under the control of the applicant, is developed with 43,000 square feet of storage and warehousing. In addition, it contains approximately 34,000 square feet of unenclosed vehicle storage. The 45,800-square-foot portion of Block 452 under the control of the applicant includes warehouse and distribution space. The project site is adjacent to the Carroll Street Bridge, a New York City landmark and State and National Register-eligible resource. With respect to the city-owned lots, Lot 5 is occupied by a maintenance and service facility for emergency medical service vehicles; Lot 19 contains infrastructure (the Operator's House) associated with the adjacent historic Carroll Street Bridge.

Construction of the proposed project is anticipated to be completed by 2011.

Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.

2. The actions, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.

3. The actions, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.

4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.

5. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

6. The actions, as proposed, may result in significant adverse impacts on historic resources in the vicinity of the affected area.

7. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

8. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

9. The actions, as proposed, may result in significant adverse impacts to natural resources in the affected area.

10. The actions, as proposed, may result in significant adverse hazardous materials impacts in the affected area.

11. The actions, as proposed, are located within the designated coastal zone and may result in significant adverse impacts related to the Local Waterfront Revitalization Program (LWRP) within the affected area.

12. The actions, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area.

13. The actions, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the proposed action.

14. The actions, as proposed, may result in significant adverse impacts on energy consumption in the affected area.

15. The actions, as proposed, may result in significant adverse impacts to traffic, parking, transit, and pedestrian conditions in the vicinity of the affected area.

16. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

17. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

18. The actions, as proposed, may result significant adverse construction-related impacts.

19. The actions, as proposed, may result in significant adverse public health-related impacts.

20. The actions, as proposed, may result in significant adverse impacts related to other aspects of the environment.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. The proposed actions would alter existing land use and zoning patterns by rezoning the project site to permit the development of new residential, commercial and community facility uses.

2. The proposed actions would result in approximately 602,603 gross square feet of new development on the project site, including new residential, commercial and community facility uses. This has the potential to alter socioeconomic conditions in the area.

3. The proposed actions would introduce a new residential population, which could potentially increase demand on community facilities.

4. The proposed actions would bring new residents and workers to the area, potentially placing additional demands on available open space resources.

5. The proposed actions would result in the construction of new buildings containing various high-rise components. The proposed buildings could cast shadows on sunlight sensitive resources.

6. Construction of the proposed project could disturb archaeological resources should they exist on the project site. In addition, the proposed project could affect the context of existing historic structures in the area.

7. The proposed actions would result in a new type of building use and form which would differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.

8. The proposed actions would result in new development which could alter existing neighborhood character by affecting land use, socioeconomic conditions, historic resources, urban design, traffic, and noise.

9. The proposed action would result in new development on the project site which could affect natural resources.

10. The proposed actions would result in demolition and construction on the project site which could potentially expose construction workers and the public to hazardous materials.

11. The proposed actions would result in new development in the designated coastal zone which could potentially be inconsistent with the policies of the LWRP.

12. The proposed action would result in approximately 602,603 gross square feet of new development on the project site which could place additional demands on infrastructure.

13. The proposed actions would result in approximately 602,603 gross square feet of new development on the project site which would result in the generation of solid waste, and which would require sanitation services.

14. The proposed actions would result in new development on the project site which could increase demand for energy.

15. The proposed actions would result in approximately 602,603 gross square feet of new development on the project site which would result in additional vehicular, pedestrian, and transit trips, and additional parking demand in the vicinity of the affected area.

16. The proposed actions would result in new development on the project site which could potentially result in air quality impacts due to increased mobile source (vehicular) and stationary source (HVAC system) emissions.

17. The proposed actions would increase the volume of traffic in the area, which could result in additional traffic noise. The proposed action could also potentially result in noise impacts due to the introduction of sensitive receptors, including residential and community facility uses.

18. The proposed actions would result in new development that would involve demolition and construction activities which may result in construction-related impacts.

19. The proposed actions would result in new development which could potentially result in public health concerns.

20. The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting was held on Thursday, March 13, 2008 from 2:00 to 5:00 PM and from 6:00 to 8:45 PM at the City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments were accepted by the lead agency through the tenth day following the scoping meeting.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

If you have any questions pertaining to this Positive Declaration, please contact the project manager, Adam Lynn, at (212) 720-3493.

Robert Dobruskin

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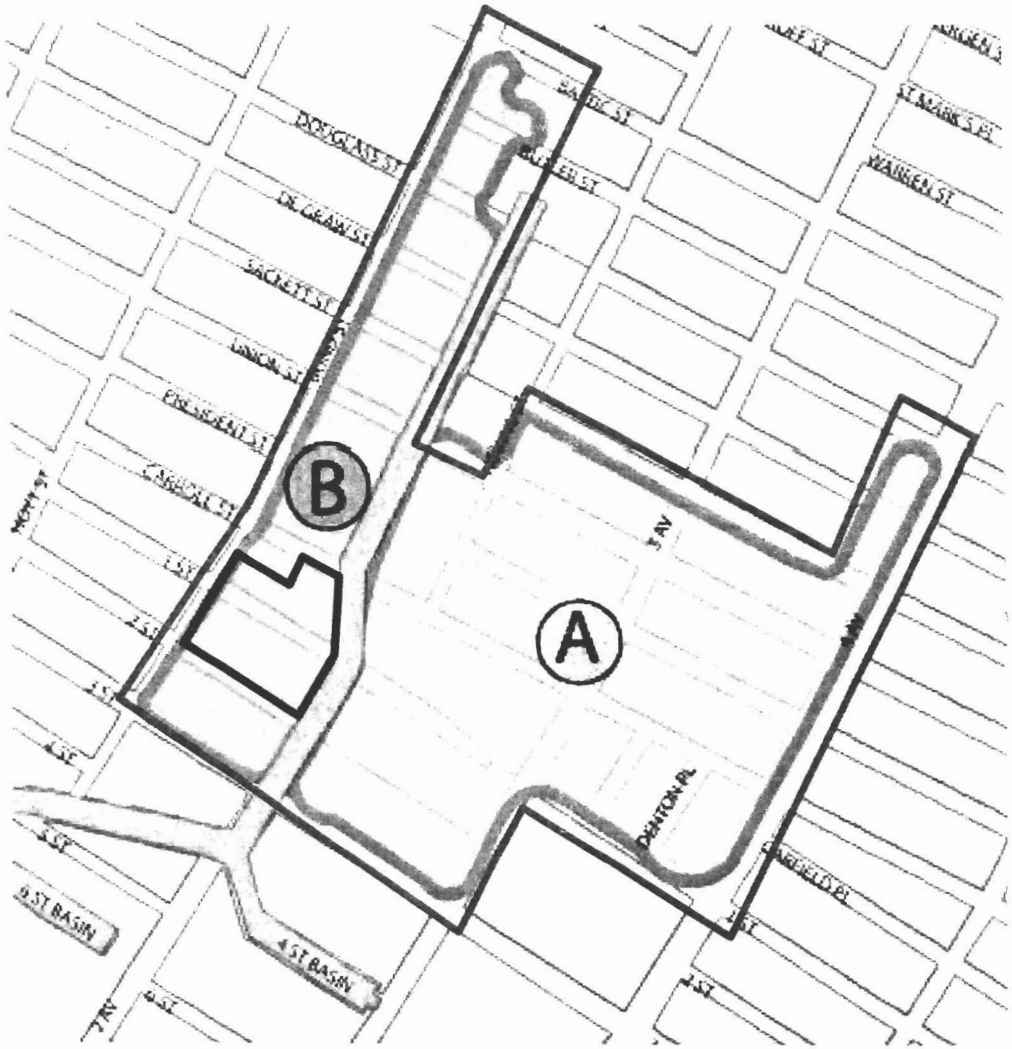
8/28/08

Date

Exhibit A

GOWANUS CANAL REZONING AREA

GOWANUS CANAL



Limit rezoning to subareas A and B where a mix of uses, including residential, would be appropriate

Area of pending private zoning application (Toll Brothers)