

THE CITY OF NEW YORK COMMUNITY BOARD SIX

Marty Markowitz Borough President Richard S. Bashner
Chairperson

Craig Hammerman
District Manager

February 12, 2009

Amanda Burden Chairperson City Planning Commission 22 Reade Street New York, New York 10007

> Re: 363-365 Bond Street, Brooklyn CEQR No. 08DCP033K ULURP Nos. 090047 ZMK, 090048 ZSK, N090049 ZRY, N090050 ZRY, N09001 ZRY

Dear Chairperson Burden:

I am writing to advise you that at its February 11, 2009 general meeting, Brooklyn Community Board 6 resolved, by a vote of 31 in favor, 2 against, with 1 abstention for cause, to supplement our previous position on the above-referenced applications for the Toll Brothers, L.P. development in the Gowanus Neighborhood of our district.

Brooklyn Community Board 6 (CB6) has not changed its position on the Toll Brothers application; we remain conditionally supportive, subject to the conditions expressed in our November 17, 2008 correspondence to you (copy enclosed). However, we want to emphasize how important it is to make sure that the affordable housing component of this project actually is built, in return for giving the applicant permission to build higher and with more bulk than otherwise would be acceptable to this community.

CB6's approval of the expanded height and bulk limits for the Toll Brothers project was based largely on representations made by the developer promising the creation of substantial affordable housing as an integral component of the project, including the following statements from its "Frequently Asked Questions about the Proposed Gowanus Mixed-Use Development":

- "Toll Brothers is committed to providing affordable housing as part of the proposed zoning."
- "The affordable housing units ... [will be] in attractive buildings that will be constructed at the same time as the market-rate units."
- "Approximately 140 apartments will be provided, as permanently affordable on-site housing. This number represents 30% of the total number of residential units well above the standard affordability ratio in 80/20 developments."
- "Our affordable housing program will offer varying levels of affordability, with some units designated for those marking not more than 80% of the HUD Income Limit for New York City (\$61,440 for a family of four) and some units targeted to those making not more than 60% of the HUD Income Limit for New York City (\$46,080 for a family of four)."

When we voted in favor of such application, we were under the impression that the affordable housing component would be required by the deed restrictions that the applicant had agreed to place on the property.

Instead, we recently learned that Toll Brothers has not agreed to place the affordable housing requirement in deed restrictions; and that, therefore, there is a possibility that they (or a future owner of the property) could build the full height and bulk allowed by the proposed rezoning without including ANY affordable housing.

This is unacceptable. If it turns out that the affordable housing component will not be built as promised, then Toll Brothers should be required to seek fresh zoning approval for the project, especially its height and bulk.

Accordingly, we respectfully ask that either the affordable housing requirements be confirmed in the deed restrictions, or in the rezoning (by conditioning the relaxed height and bulk limits upon the inclusion of the promised affordable housing, similar to the Department of City Planning's upcoming Gowanus Rezoning and Related Actions, CEQR # 09DCP015K), or in some other suitable mechanism for ensuring that tall or bulky buildings not be built without the promised affordable housing.

Thank you for your attention.

Sincerely,

Richard S. Bashner Chairperson

cc: Hon. Marty Markowitz
Hon. Bill de Blasio
Hon. Nydia Velázquez
Hon. Joan Millman
Hon. Daniel Squadron
Director Purnima Kapur, DCP/Brooklyn
Toll Brothers, L.P. (applicant)



Frequently Asked Questions about the Proposed Gowanus Mixed-Use Development

- 1. How many units of affordable housing will be created by this project? As proposed, approximately 130 apartments will be provided as permanently affordable on-site housing. This number represents 30% of the total number of residential units (447) well above the standard affordability ratio in 80/20 developments.
- 2. What is the affordability level of the inclusionary units?

 Our affordable housing program will offer varying levels of affordability, with some units designated for those making not more than 80% of the HUD Income Limit (\$61,440 for a family of four) and some units targeted to those making not more than 60% of the HUD Income Limit (\$46,080 for a family of four). It is our goal to offer affordable units to a broad range of income levels in accordance with available public subsidies. We believe it is possible that the financing program we enter could allow some units to be designated for those making not more than 50% of the HUD Income Limit (\$38,400 for a family of four) and some units for those earning not more than 40% of the HUD Income Limit (\$30,720 for a family of four).
- 3. How many bedrooms are included in the affordable units? When will the units be constructed? The affordable housing units will include studios, one-bedrooms, and two-bedrooms in attractive buildings that will be constructed at the same time as the market-rate units.
- 4. Are you certain that the necessary government subsidies will be available to ensure that these affordable units will be built? Toll Brothers is partnering with L&M Development Partners, an experienced developer of low- and moderate-income housing throughout the city, to obtain the necessary public subsidies for the affordable housing component of this project. L&M intends to seek financing through the NYC Housing Development Corporation's Low-Income Affordable Marketplace Program which provides a first mortgage funded through the proceeds of tax-exempt bonds, a second low-interest subsidy loan and equity generated through the syndication of as-of-right Low Income Housing Tax Credits. Additional financing is expected to come from HPD's Mixed Income Rental Program and DHCR's Homes for Working Families Program.

While the specific affordable housing program we will utilize is still under consideration, Toll Brothers and L&M are committed to meeting the requirements of the Inclusionary Housing program and providing as broad a range of affordability as financing will allow.

- 5. How will site remediation be conducted and regulated?
 - Comprehensive environmental analysis of the project site has been completed and a remediation plan has been prepared, based on the site's proposed residential use. At this time, the proposed remedy has been approved by the NYC Department of Environmental Protection (NYC DEP) and is being reviewed by NYS Department of Environmental Conservation (NYS DEC). These agencies will also provide oversight of the work as it is undertaken and ensure adherence to remediation requirements. In addition, the site cleanup will be consistent with U.S. Environmental Protection Agency (EPA) requirements.
- 6. What steps have been taken to ensure an environmentally-conscious design? In addition to creating almost 30,000 square feet of publicly-accessible open space along the Gowanus Canal, our project design will adhere to environmentally-responsible standards set by the U.S. Green Buildings Council in its Leadership in Energy and Environmental Design (LEED) Rating System. We will achieve designation as a LEED-certified project, ensuring that our project meets nationally accepted benchmarks for the design, construction and operation of high-performance green buildings. The project is designed to minimize water usage; maximize energy efficiency; ensure indoor air quality; achieve a "green roof" effect; utilize green materials and construction techniques; and encourage mass transit and fuel-efficient vehicle use.
- 7. Won't this project add CSO volume to the Canal?

 No. The project is designed to achieve a net decrease in CSO flow to the Gowanus Canal by diverting stormwater runoff and utilizing low-flow water fixtures.

During rainfall events, the area's combined sewer system becomes overloaded, resulting in combined sewer outfall (CSO) events – discharges to the Canal. To reduce stormwater flow contribution to the combined sewer system and protect water quality, new storm sewers will be constructed by Toll at our expense beneath 1st and 2nd Streets to serve the stormwater needs of the project site and adjacent streets. This separate storm sewer will divert large volumes of stormwater from the combined sewer, eliminating the existing discharge of stormwater to the area's combined sewer system and resulting in a decrease in overall discharge to the combined sewer on an annual basis and anytime there is a significant rainfall.

Furthermore, the project's design incorporates state-of-the-art low-flow water fixtures, which will result in the Project having a sanitary waste water discharge volume that is less than one half (56,200 gallons per day versus 114,032 gallons per day) of the typical standard for waste water generation in New York City. This volume of flow represents an inconsequential added demand on either the treatment capacity of the Red Hook Water Pollution Control Plant (WPCP) or the conveyance capacity of the Bond Street sewer. Placed in perspective, the projected flows from the site are a small fraction (.09 percent) of the 60 million gallon per day (mgd) treatment capacity of the Red Hook plant. Moreover, the Red Hook WPCP also has more than adequate available capacity to properly treat the additional flow; currently, the WPCP operates at about half its 60mgd treatment capacity. In addition, the projected flows from the project represent about

.06 percent of the conveyance capacity of the Bond Street combined sewer, which is also an inconsequential addition of sanitary flow to the large 72-inch sewer.

- 8. Won't this project degrade the water quality of the Gowanus Canal?

 No. As a result of our project's construction of a separate stormwater system, stormwater runoff from the site into the Canal will be much improved in quality from its current condition. The new stormwater system will feature catch basins and hydrodynamic separators to capture and treat all stormwater runoff from our site before it is released into the Canal. The new sewer system will relieve our site's impact on CSO events, further improving the quality of water that flows into the Canal. Additionally, our project will include vegetated pervious areas and treatment structures to eliminate existing discharges of sediment and contaminants to the Canal.
- 9. How does the project's design conform to City Planning's Framework for the Gowanus? The Department of City Planning has determined that our project design is consistent with the City's vision for the area-wide rezoning, including the height and use of our buildings. In fact, our proposal includes buildings that are lower in height than the City's proposed area-wide rezoning would allow; our highest building is 12 stories, not 14, and we are providing 4-story midblock townhomes rather than 6 or 8 stories at the midblock, as proposed by City Planning.
- 10. Some critics of this project have circulated an alternative design with the tallest buildings rising 8 stories instead of 12. Can you reduce the height of your 12-story buildings to 8 stories?

Reducing the height of the 12 story buildings to 8 stories would have a significant impact on the project. Much needed parking would be reduced, and the townhomes, fundamental to the fabric of the Carroll Gardens neighborhood, would be eliminated.

The buildings in this development are not designed at one monolithic height; our project includes buildings of varying heights that will provide a transition from the low-rise residential buildings on Bond Street to the Canal. That is why our design includes 6-story buildings on Bond Street and 4-story townhomes at the mid-block.

Approaching the Canal to the east, the buildings rise in stair-step fashion to 5, 6, 8 and 12 stories. The 12-story portions of the project – *which represent only 8% of the total development* – will not form a wall along the Canal. The buildings will be set back at least 40' from the 100' wide Canal, and the 12-story portions of those buildings will be wrapped by 5- and 6-story setbacks on the Canal. The buildings will include similar setbacks along Bond, 1st and 2nd Streets.

The width between buildings on either side of canal would be at least 180 feet (100-foot wide canal and at least 40-foot esplanades. This is far wider than most wide streets and can accept carefully calibrated heights at limited locations and with additional setbacks.

Our project will not cast shadows on neighboring buildings or the Canal between 80% and 90% of the daylight hours.

11. Is the planned esplanade wide enough to provide a park-like environment?

Yes. The open-to-the-public waterfront esplanade is a minimum of 40' wide, but it broadens to fill the spaces between the Gowanus Canal and the residential buildings and spans a width of 60' at its broadest points. This 30,000 square-foot open space will contain a number of elements that will contribute towards the creation of an attractive park-like environment.

A pedestrian path will spool through the space and engage the public access points at the ends of Carroll, First and Second Streets. The physical layout between street access and park is seamless, allowing pedestrians to enter the park without obstructions. The park will be lit, and will be heavily planted with deciduous and evergreen trees; broadleaf, needle and woody shrubs; herbaceous plants; and lawn areas. Native species will predominate, but occasional exotic plantings will add interest. Different types of public seating will allow visitors and neighbors to engage each other or sit in an environment of serenity.

- 12. What will be the hours of operation of the publicly-accessible open space?

 We will work with the NYC Parks Department to determine hours of operation. Typically, waterfront open space is accessible from dawn until dusk.
- 13. How will construction debris be removed from the project?

 Construction debris will be removed by truck. Truck routes will be determined in advance and selected to limit disturbance to the community. Trucks will be monitored before leaving the site and any excess soil/debris will be cleared from the trucks before leaving the site. Trucks will utilize tarps to further prevent any dust or debris from escaping.
- 14. How many students will your project add to the local public schools? How were these projections calculated? An analysis of impacts on local public schools, intermediate level schools, and high schools was performed following the methodologies of the CEQR Technical Manual which is used throughout the City for assessing impacts from residential projects on the City's school system. These analyses take into account currently published data from the Departments of City Planning and Education regarding current enrollment and seating capacity in the schools that would potentially serve the project, adding in background growth, and then adding in projected demands based on the number of housing units (and affordable housing units) to determine future capacities at local schools.

Based on the proposed development program, the project would add an estimated 134 elementary level students and 50 intermediate level students. It is anticipated that many of these new students will attend the local public schools (the analysis does not consider private school enrolment), including PS 32 (Samuel Mills Sprole School); PS 58 (Carroll School); and IS 442 (New Horizons School).

The project would not overburden the local elementary or intermediate level schools. Current data for PS 32 and PS 58 show that enrollment at these schools is about 58 and

66 percent of capacity, with 122 and 255 available seats, respectively. IS 442 is currently at about 68 percent capacity. With the proposed project, and including the background growth, local elementary schools would operate at 87 percent capacity (with about 239 additional available seats) and intermediate would operate at about 95 percent (with an estimated 739 available seats).

- 15. How many parking spaces are included in the project's parking garage? How will they be used? Zoning requires that the project provide parking spaces for 43% of the total housing units; according to the most recent census data, approximately 49% of households in this census tract own cars. We are exceeding the percentage of parking spaces required by zoning and the local percentage of car ownership by providing parking spaces for 60% of the units (268 spaces), thereby significantly reducing the impact of the project upon existing neighborhood parking spaces. Parking spaces in the garage will also be made available to neighborhood residents. On-street parking will be maintained, except at the cul-de-sacs at the end of First and Second Streets which must be kept clear in order to be utilized for emergency vehicles.
- 16. Would this rezoning allow for the development of a hotel on this site? Toll Brothers has proposed retail use for the approximately 2,000 square feet of commercial space that is included in this project. A retail use—not a hotel—was studied in the Environmental Impact Statement for this project. A hotel (a commercial use in Use Group 5) would not be considered to be in substantial compliance with the approved uses and densities in our Special Permit for this 2,000 square-foot commercial space.



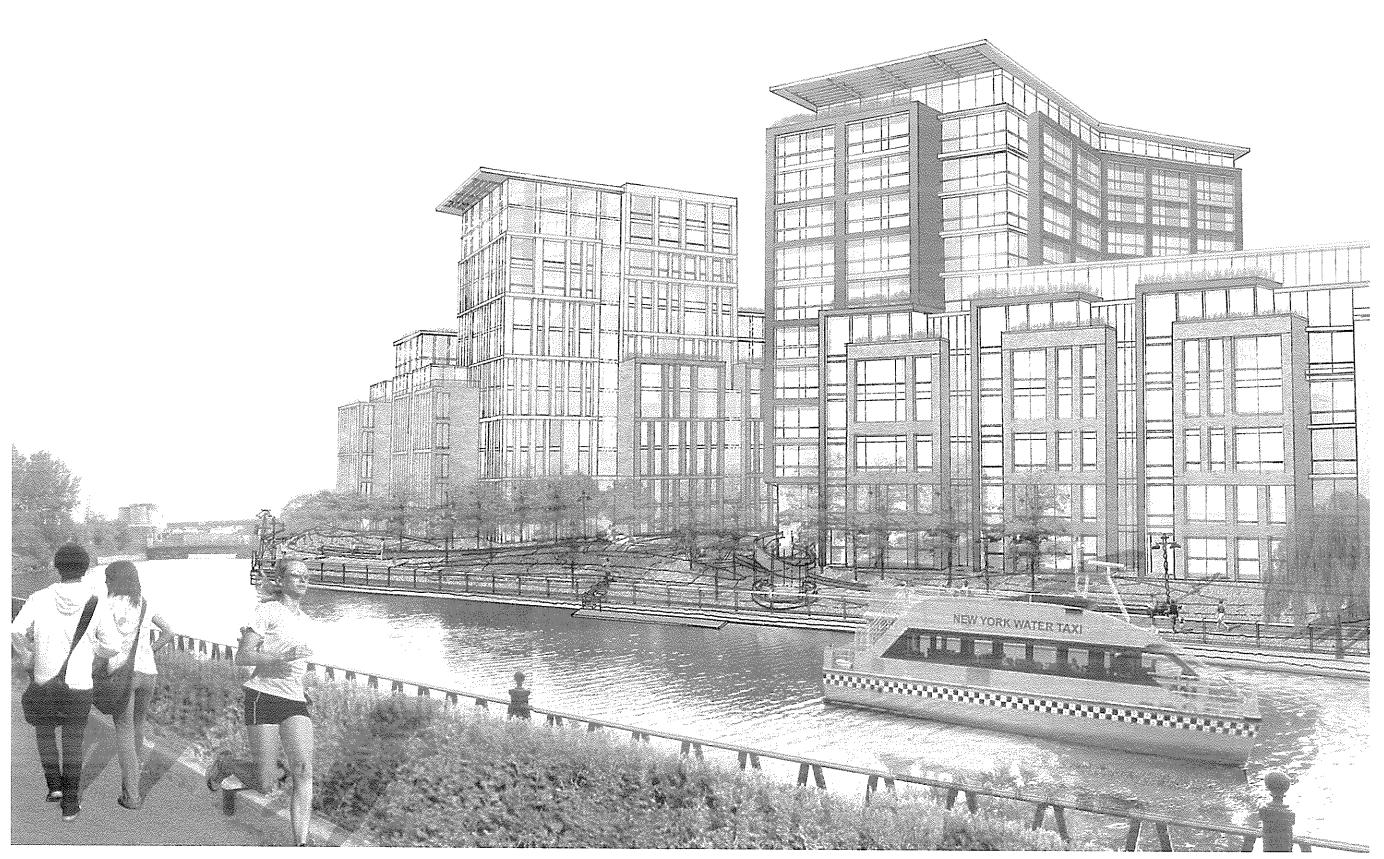
Toll Brothers City Living
Gowanus Proposed Mixed-Use Development



Toll Brothers City Living
Gowanus Proposed Mixed-Use Development



Toll Brothers City Living Gowanus Proposed Mixed-Use Development



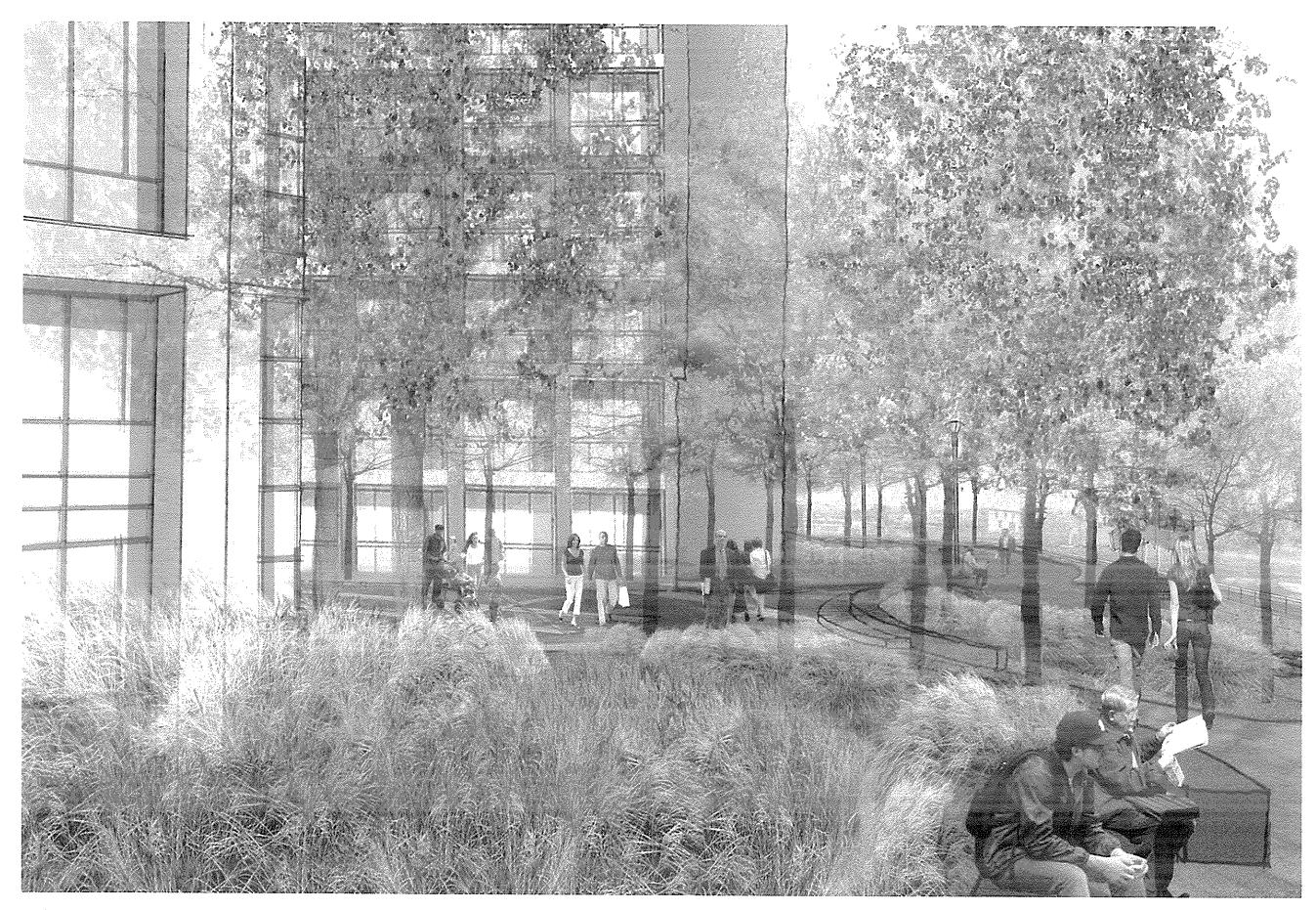
Toll Brothers City Living
Gowanus Proposed Mixed-Use Development



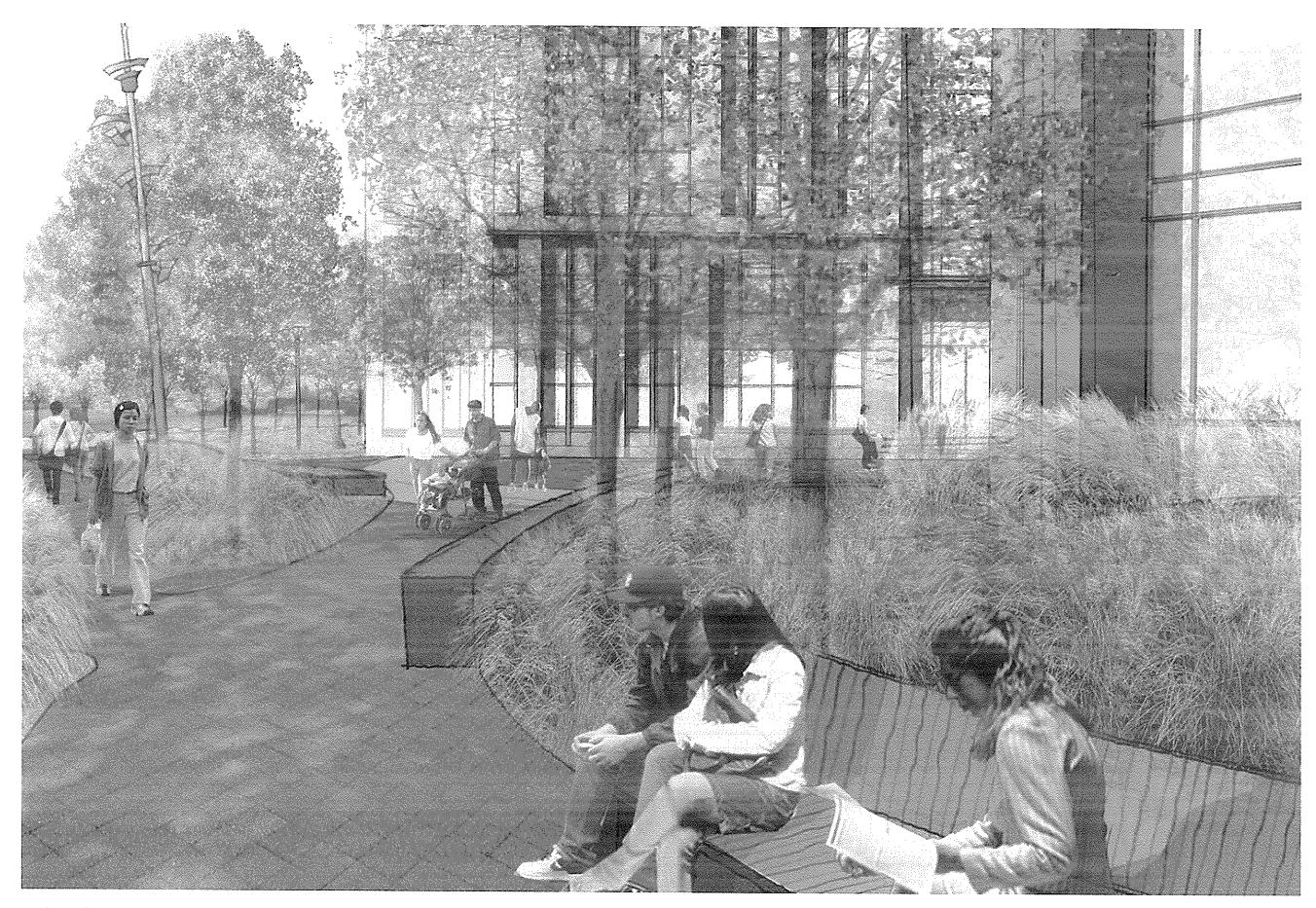
Toll Brothers City Living
Gowanus Proposed Mixed-Use Development



Toll Brothers City Living Gowanus Proposed Mixed-Use Development



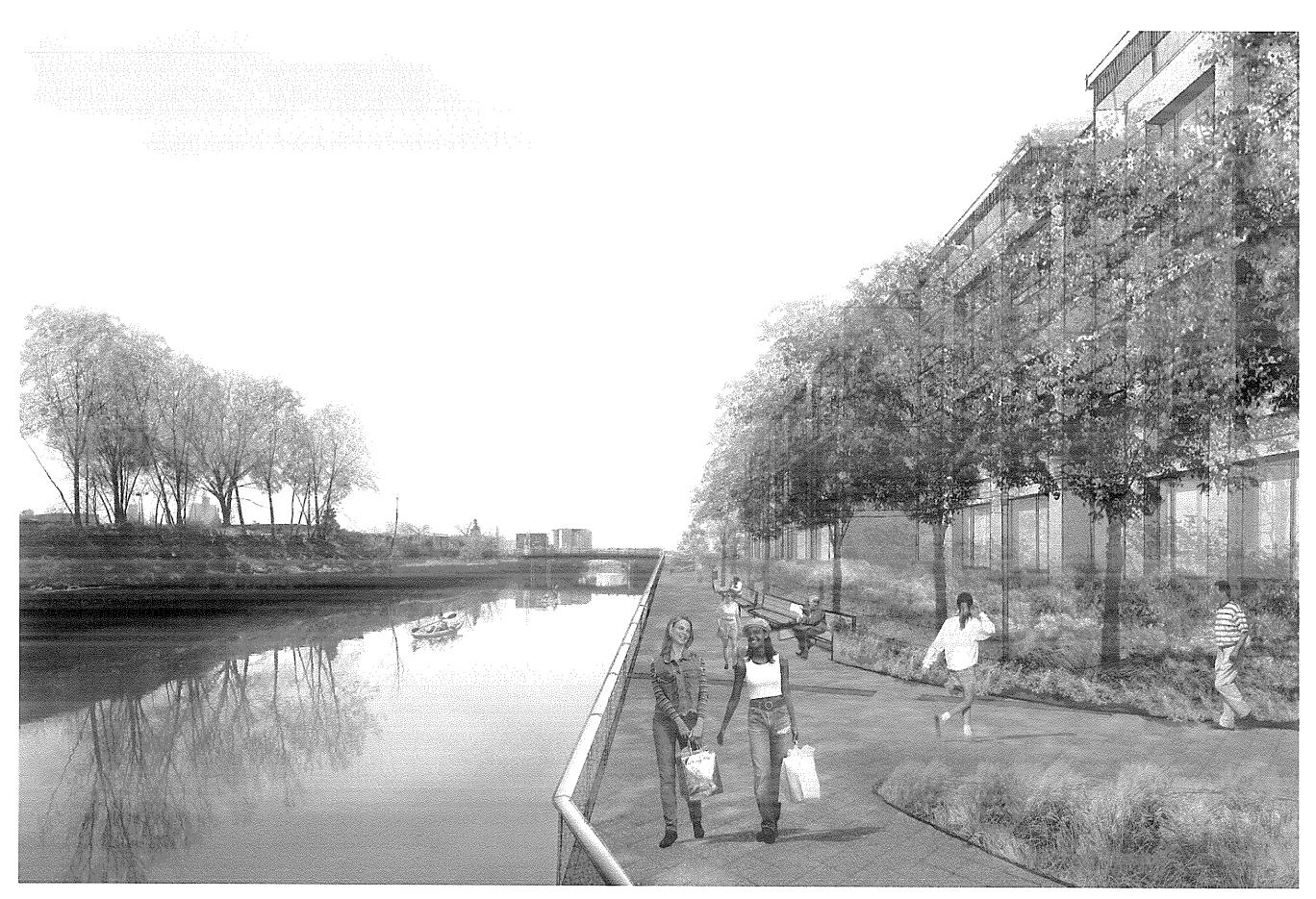
Toll Brothers City Living Gowanus Proposed Mixed-Use Development



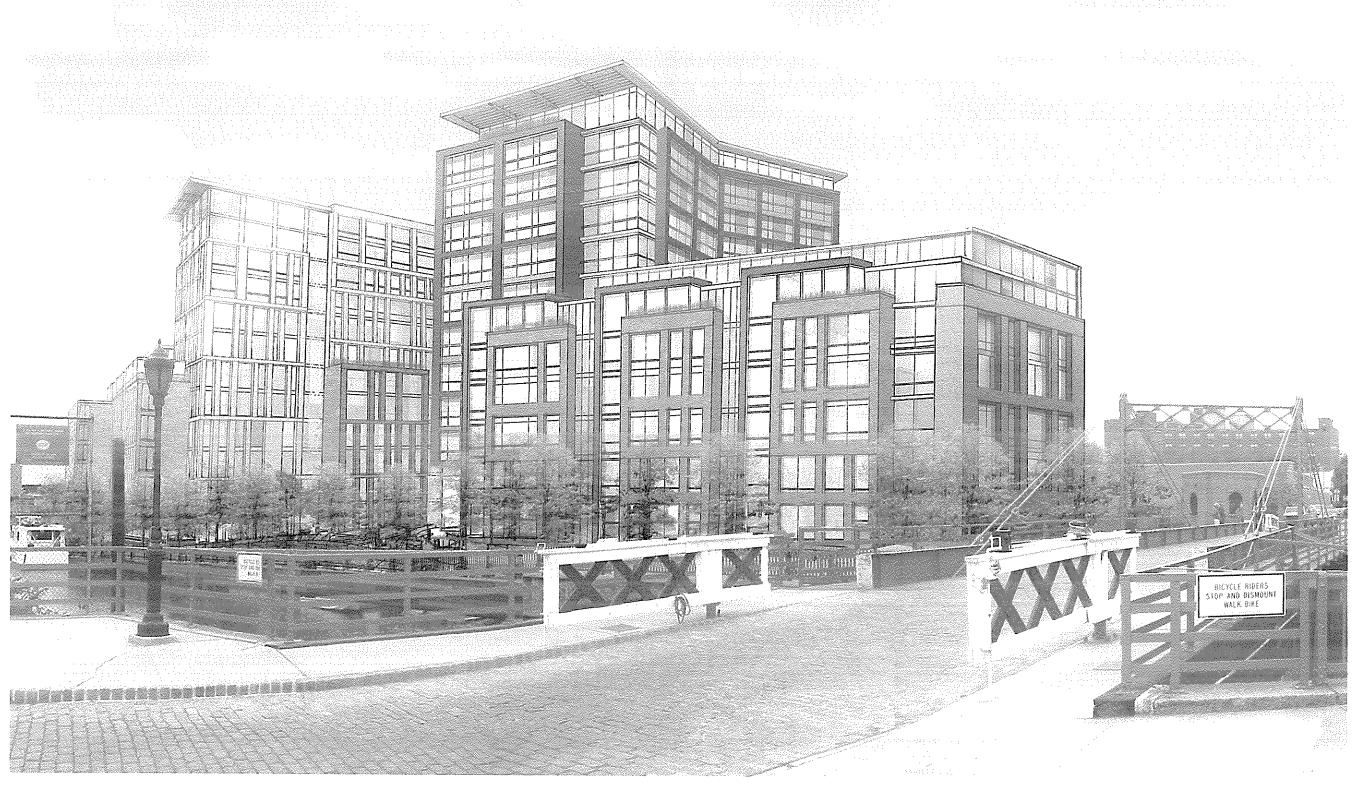
Toll Brothers City Living Gowanus Proposed Mixed-Use Development



Toll Brothers City Living
Gowanus Proposed Mixed-Use Development



Toll Brothers City Living
Gowanus Proposed Mixed-Use Development



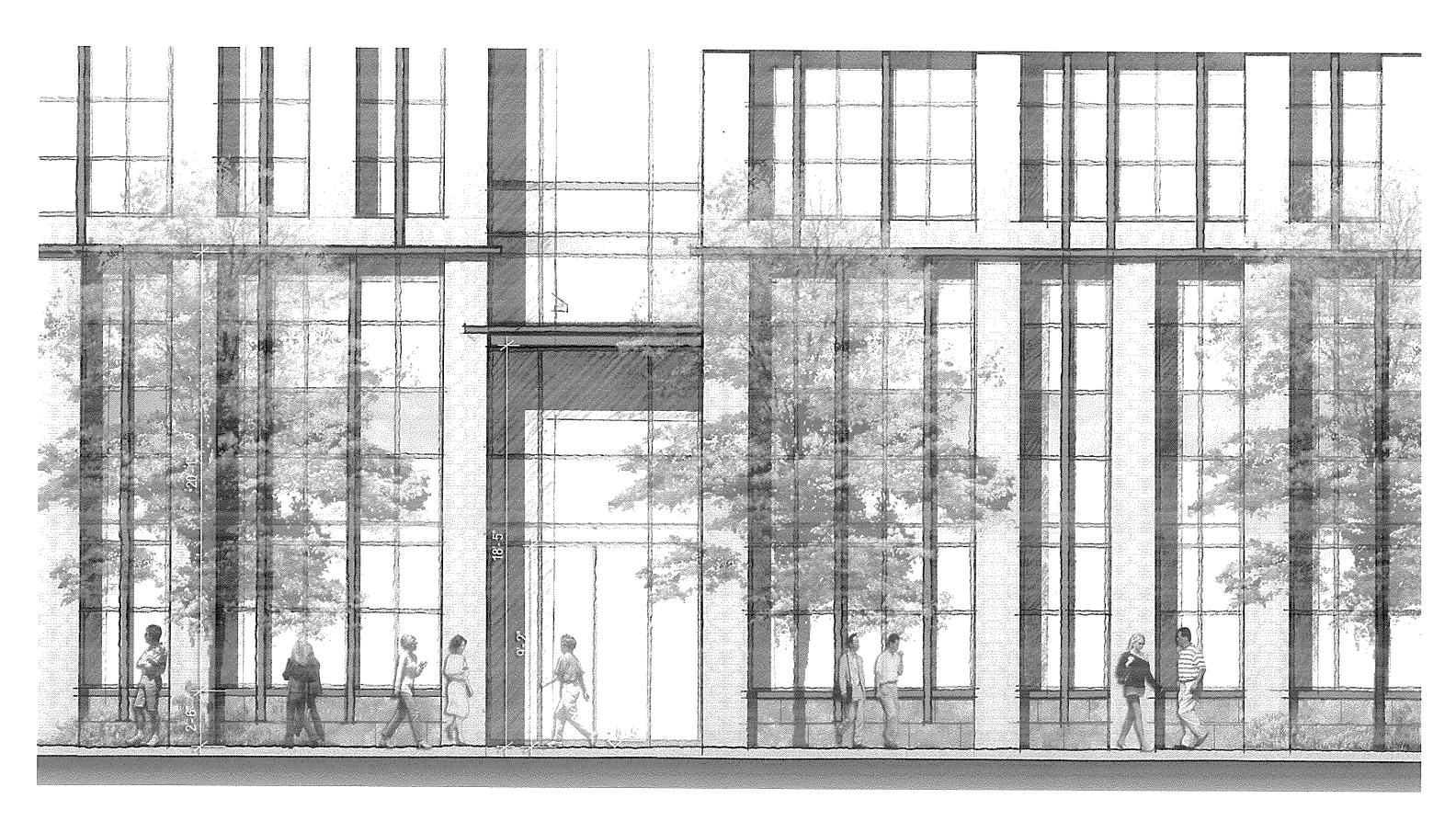
Toll Brothers City Living
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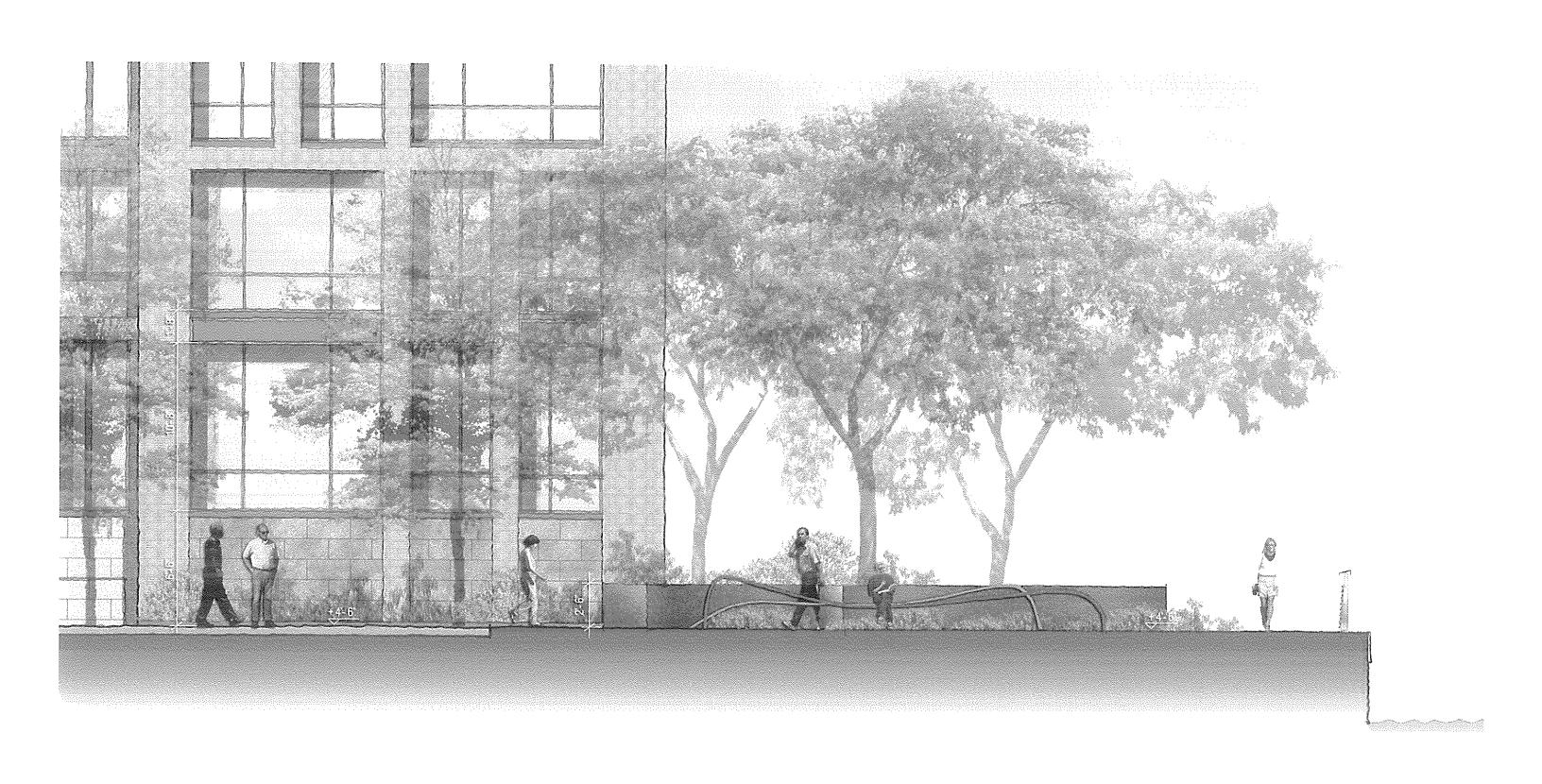
Toll Brothers City Living
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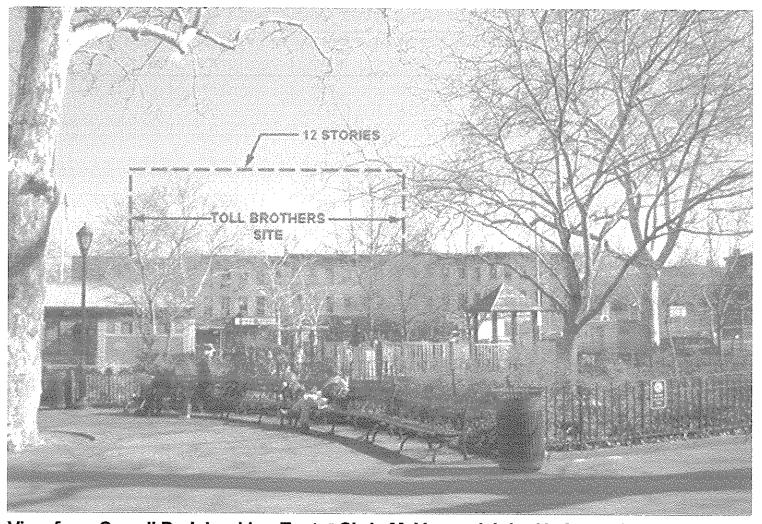


Toll Brothers City Living Gowanus Proposed Mixed-Use Development

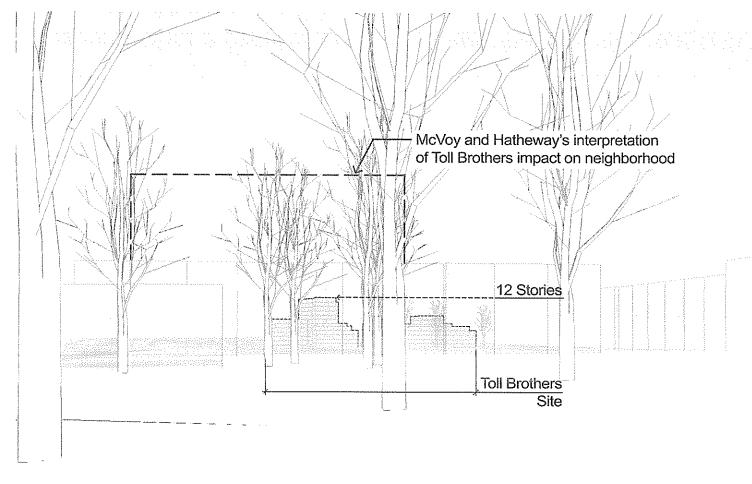




Toll Brothers City Living Gowanus Proposed Mixed-Use Development



View from Carroll Park Looking East [Chris McVoy and John Hatheway's Version]



View from Carroll Park Looking East | SketchUp Model |

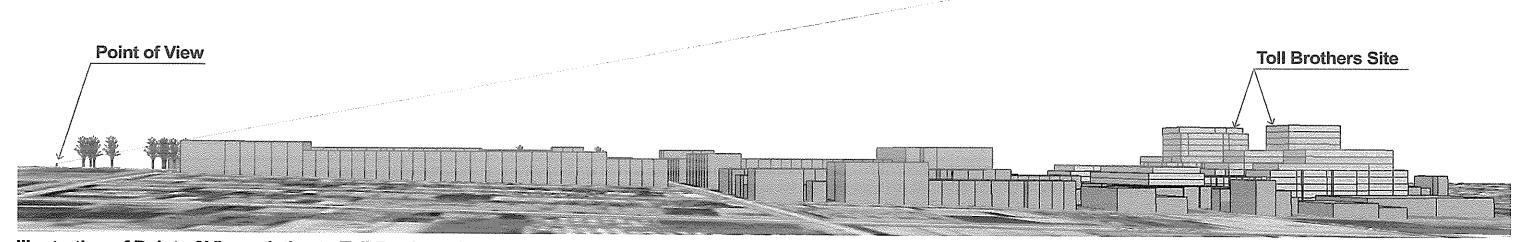
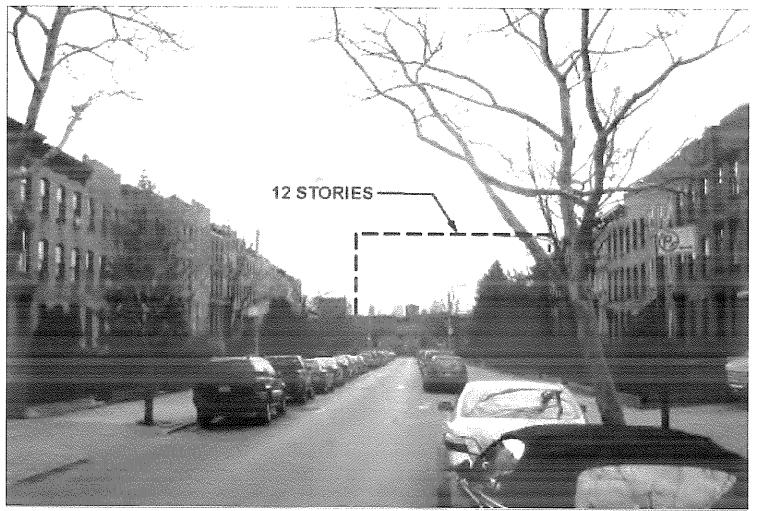
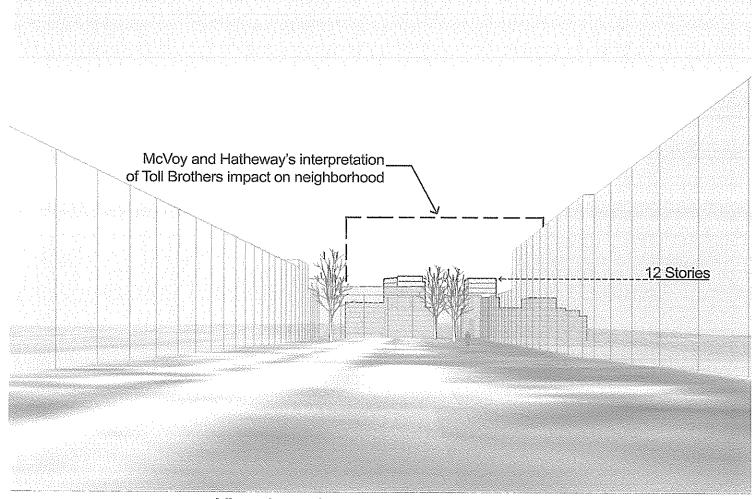


Illustration of Point of View relative to Toll Brothers Site

[View from Carroll Park Looking East]



View down Carroll Street from Smith Street Chris McVoy and John Hatheway's Version



View down Carroll Street from Smith Street | SketchUp Model

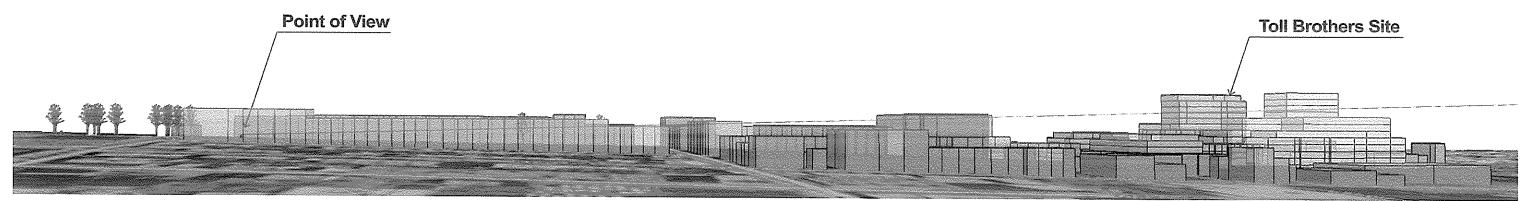
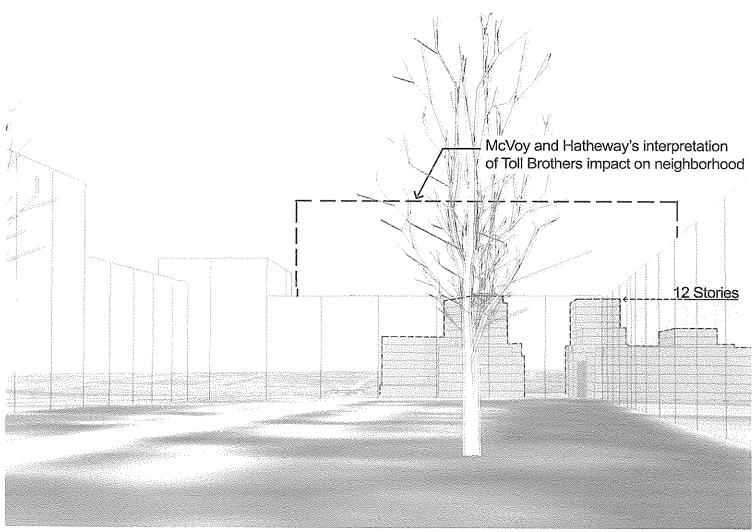


Illustration of Point of View relative to Toll Brothers Site



View down Carroll Street Looking East [Chris McVoy and John Hatheway's Version]



View down Carroll Street Looking East | SketchUp Model

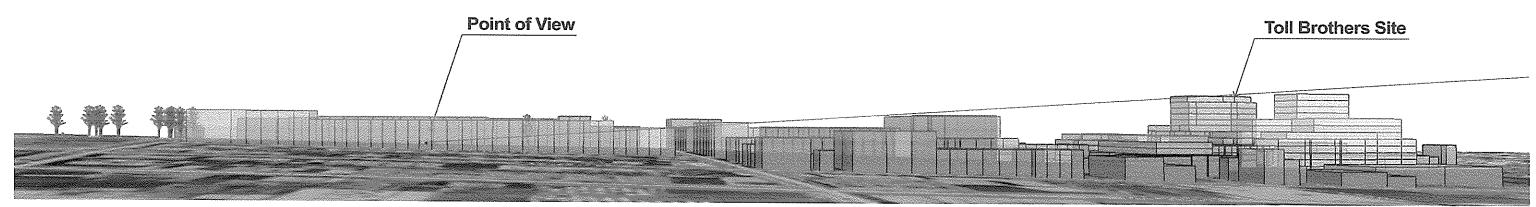
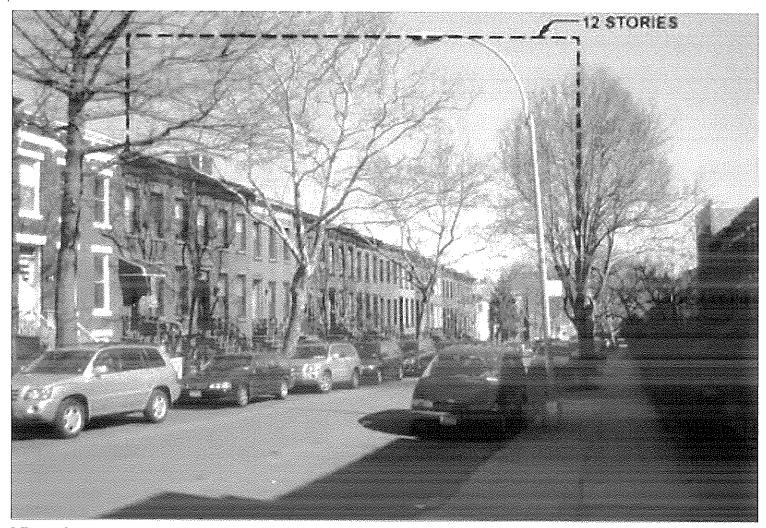
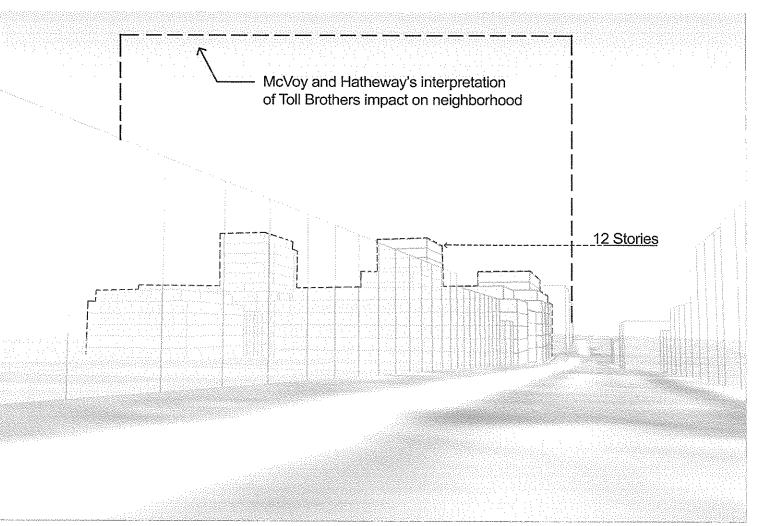


Illustration of Point of View relative to Toll Brothers Site



View down 2nd Street Looking East [Chris McVoy and John Hatheway's Version]



View down 2nd Street Looking East | SketchUp Model |

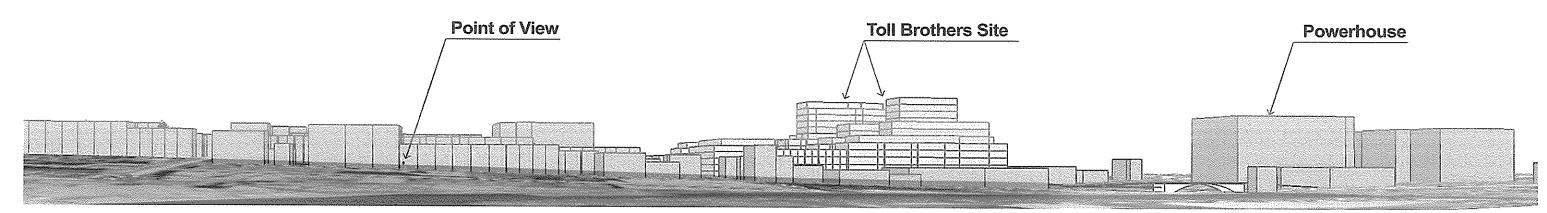
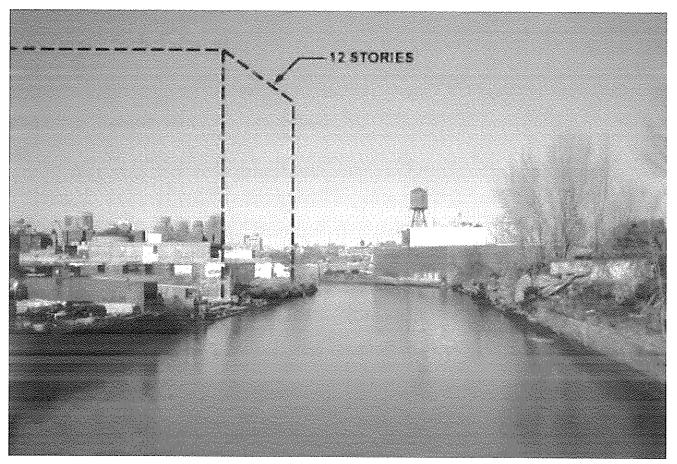
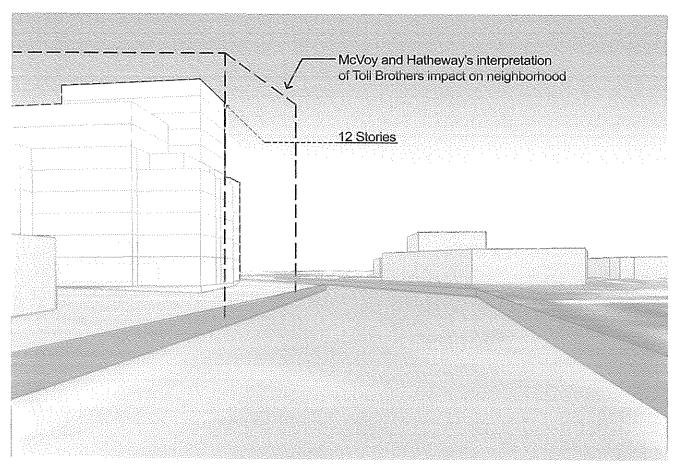


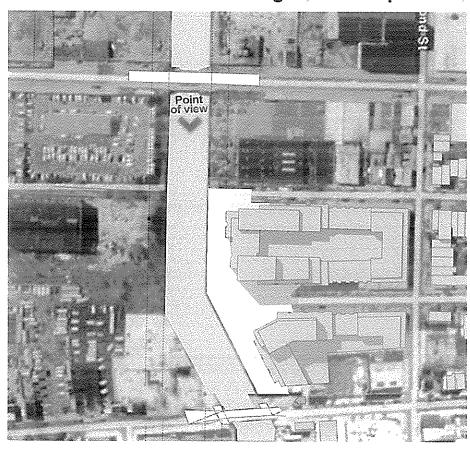
Illustration of Point of View relative to Toll Brothers Site



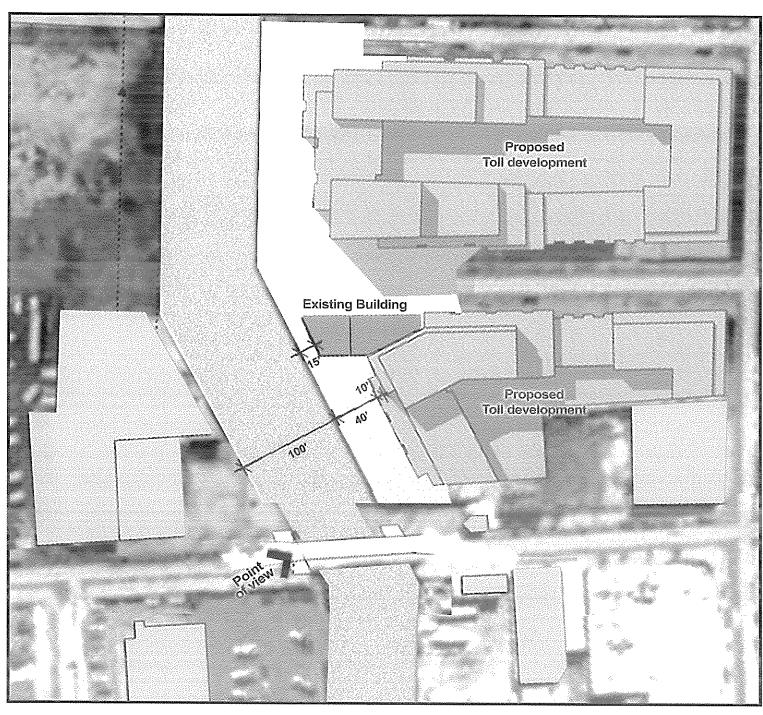
View North from 3rd Street Bridge Chris McVoy and John Hatheway's Version



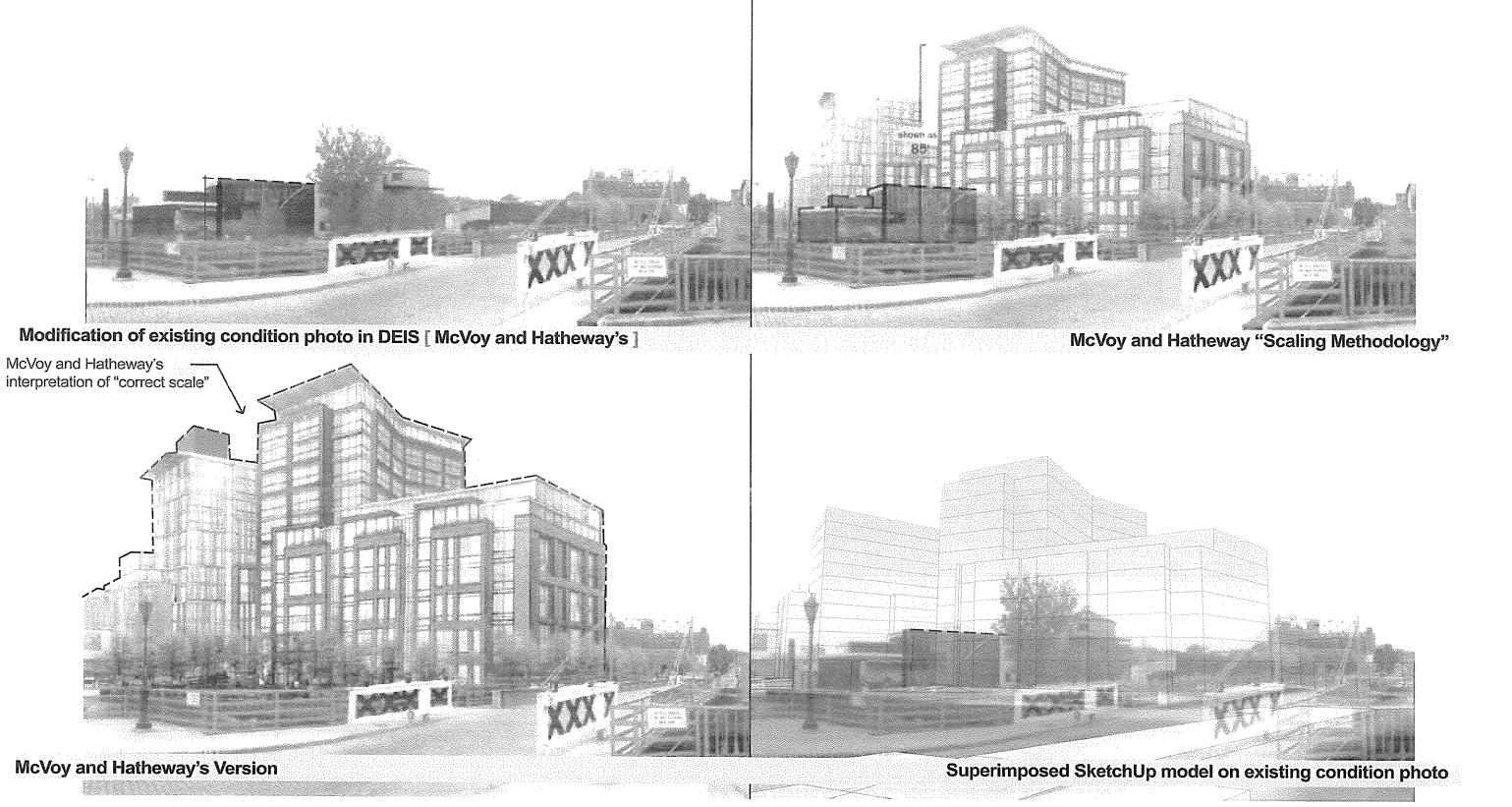
View North from 3rd Street Bridge SketchUp Model



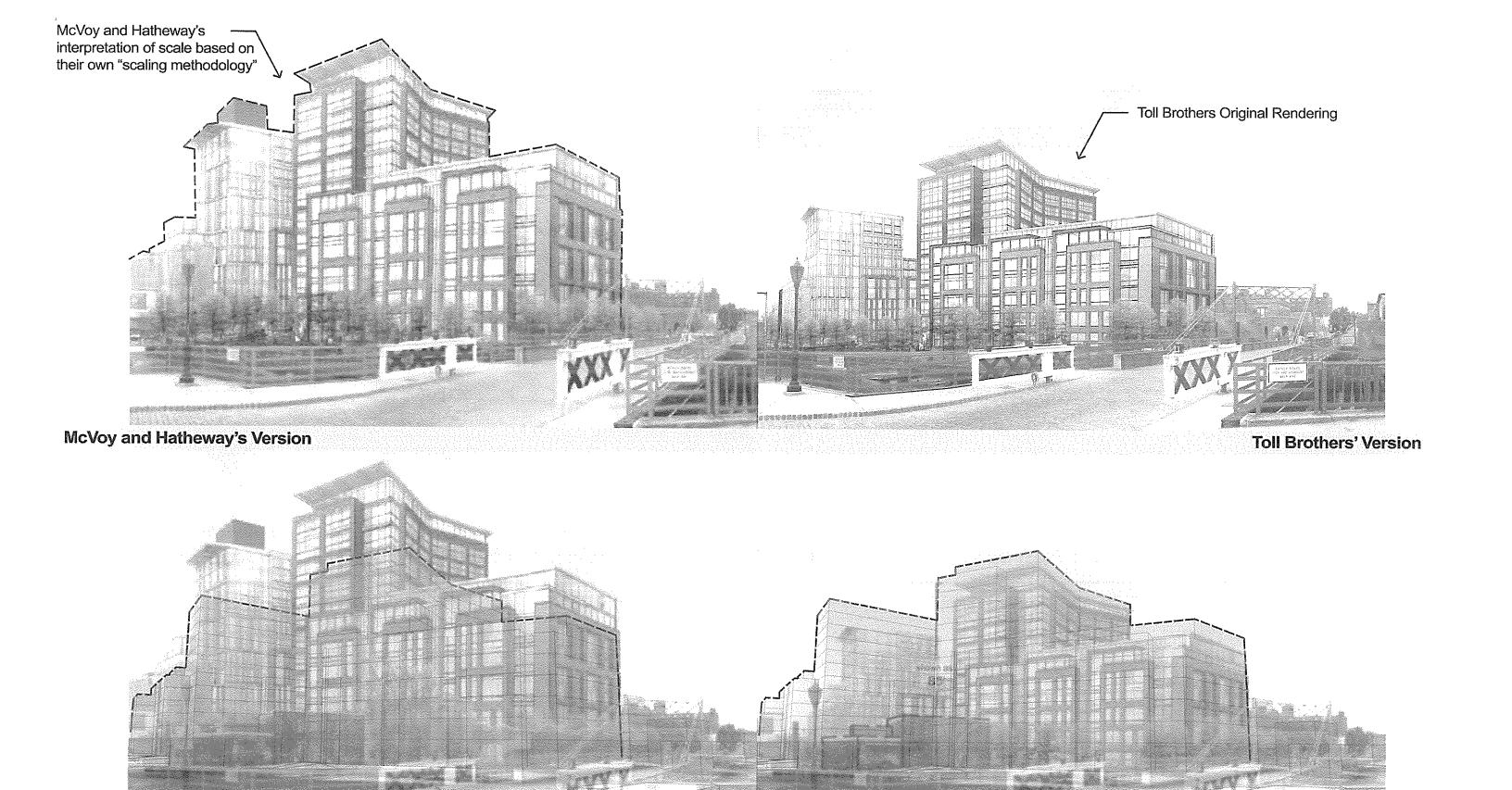
[View North from 3rd Street Bridge]



Site Plan with existing conditions



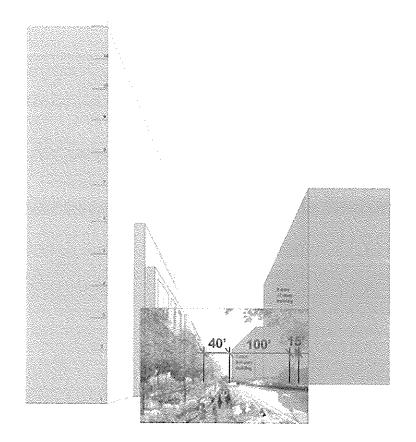
Chris McVoy and John Hatheway's "Scaling Methodology" [View from Carroll Street Bridge]



McVoy and Hatheway's version superimposed with SketchUp Model

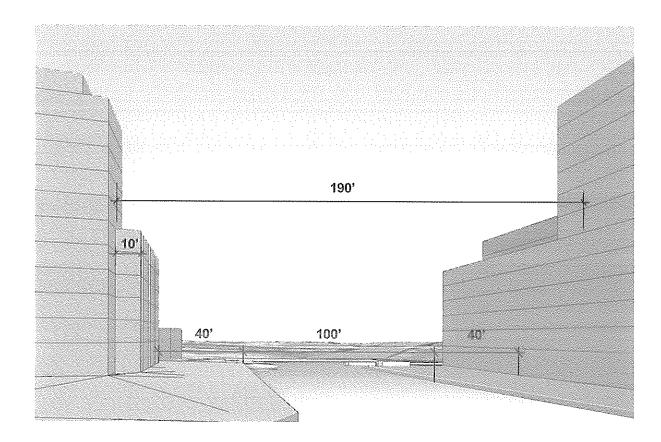
Comparison of SketchUp model with McVoy and Hatheway and Toll Brothers images [View from Carroll Street Bridge]

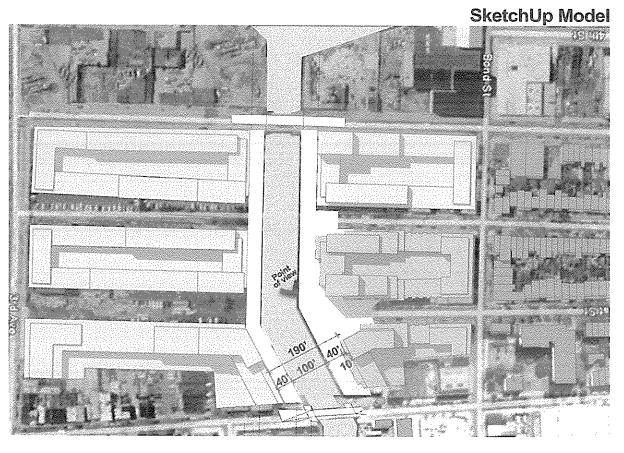
Toll Bros. Version superimposed with SketchUp Model

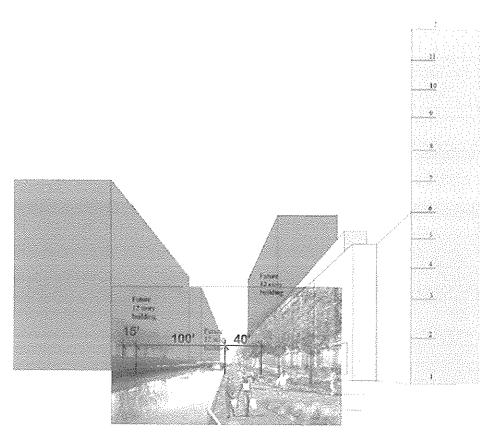


Chris McVoy and John Hatheway's Version

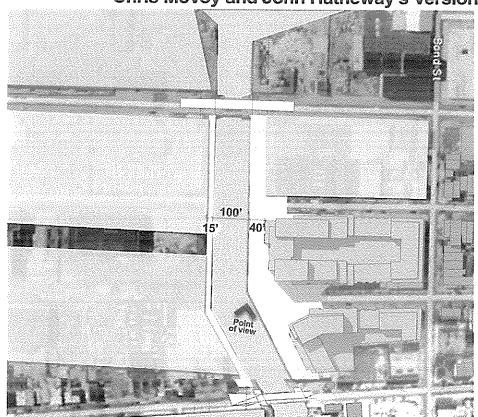


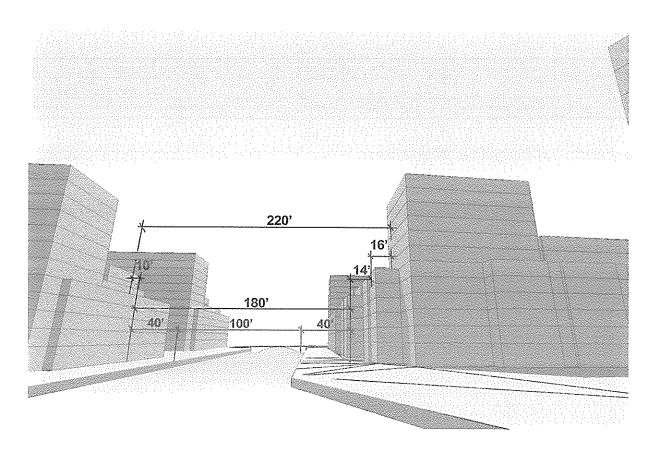


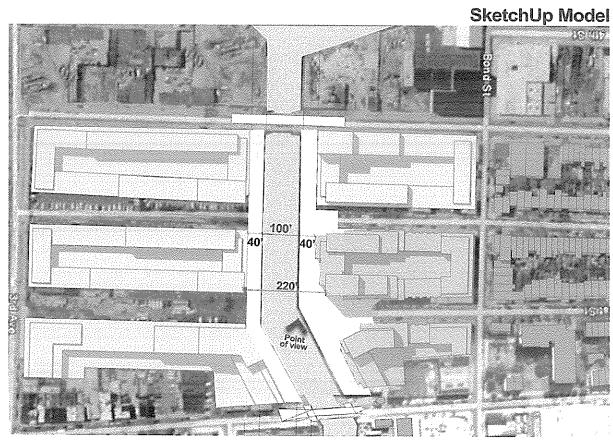




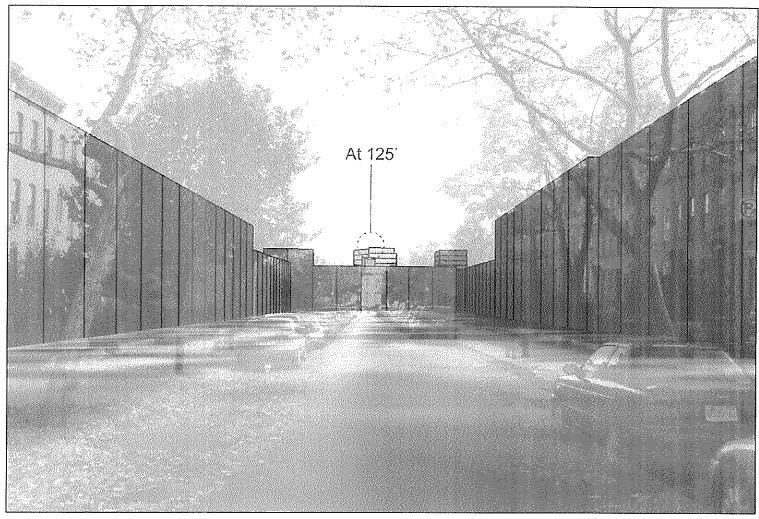
Chris McVoy and John Hatheway's Version



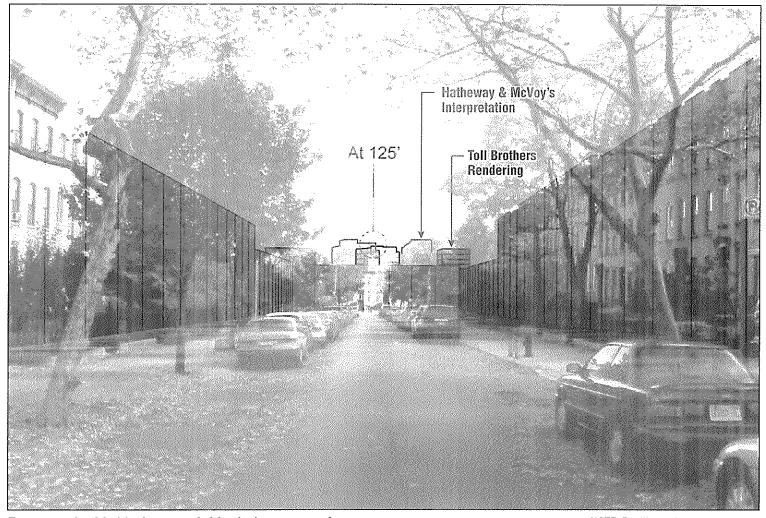




[Canal view looking South]



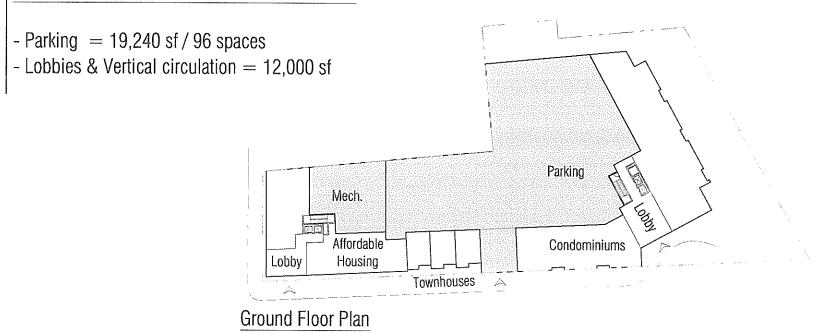
Proposed NOTE: For Illustrative Purposes Only

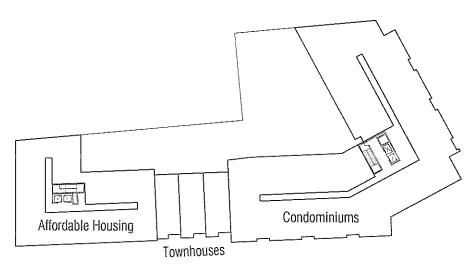


Proposed with Hatheway & Voy's Interpretation

NOTE: For Illustrative Purposes Only

Block 452: 4 to 12 Floors

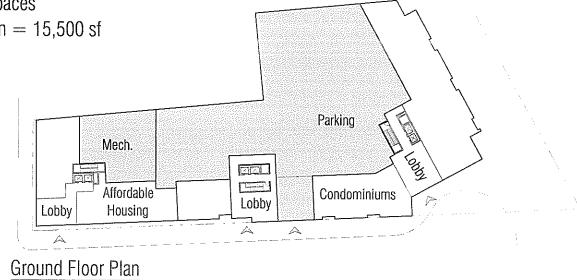


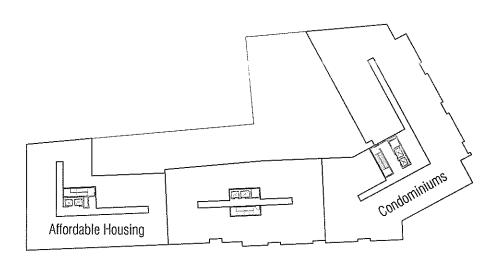


Typical Floor Plan

Block 452: 6 to 8 Floors

- Parking = 18,240 sf / 91 spaces- Lobbies & Vertical circulation = 15,500 sf





Typical Floor Plan

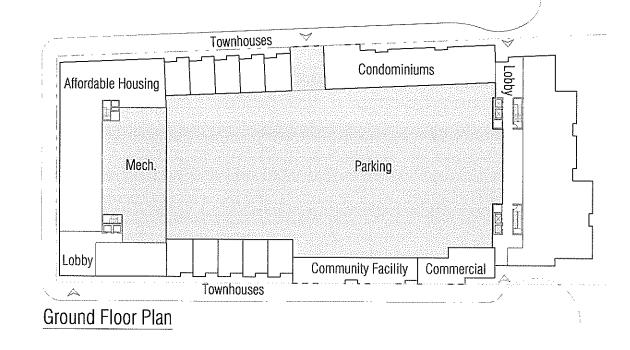
Block 452: Summary

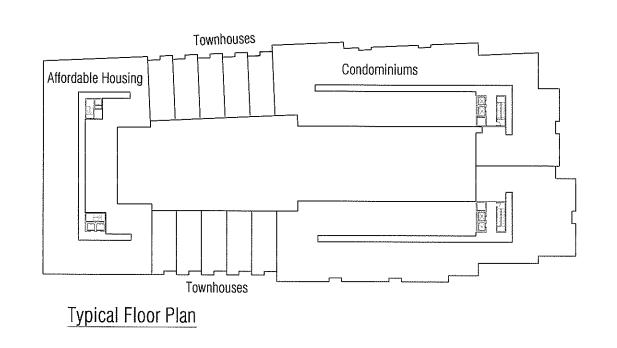
- Lost Parking: 1,000 SF / 5 spaces
- Lost Saleable Floor Space = 3,500 sf
- Lost Townhouses

- Added 2 Elevators
- Added 2 Stairs
- Added 1 Trash Compactor



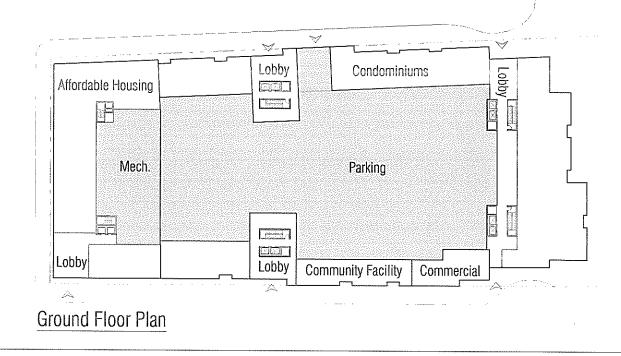
- Parking
- = 34,400 sf / 172 spaces
- Lobbies &Vertical circulation17,500 sf

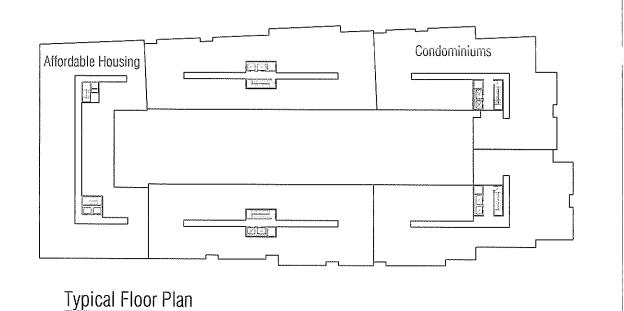




Block 458: 6 to 8 Floors

- Parking
- = 34,200 sf / 162 spaces
- Lobbies & Vertical circulation = 22,500 sf





Block 458: Summary

- Lost Parking: 2,000 SF / 10 spaces
- Lost Saleable Floor Space = 5,000 sf
- Lost Townhouses

- Added 4 Elevators
- Added 4 Stairs
- Added 2 Trash Compactor



November 1st 08:00 AM



November 1st 09:00 AM



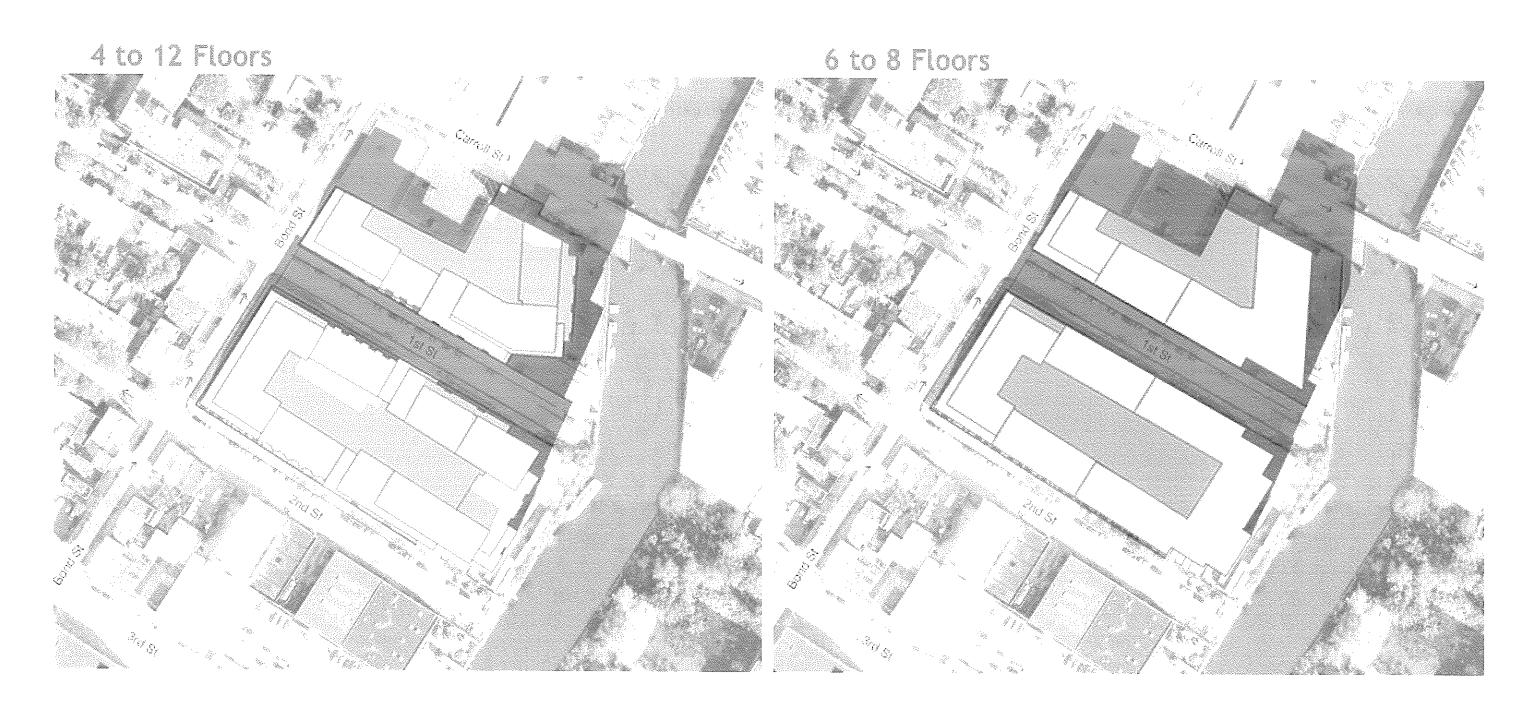
November 1st 10:00 AM



November 1st 11:00 AM



November 1st 12:00 PM



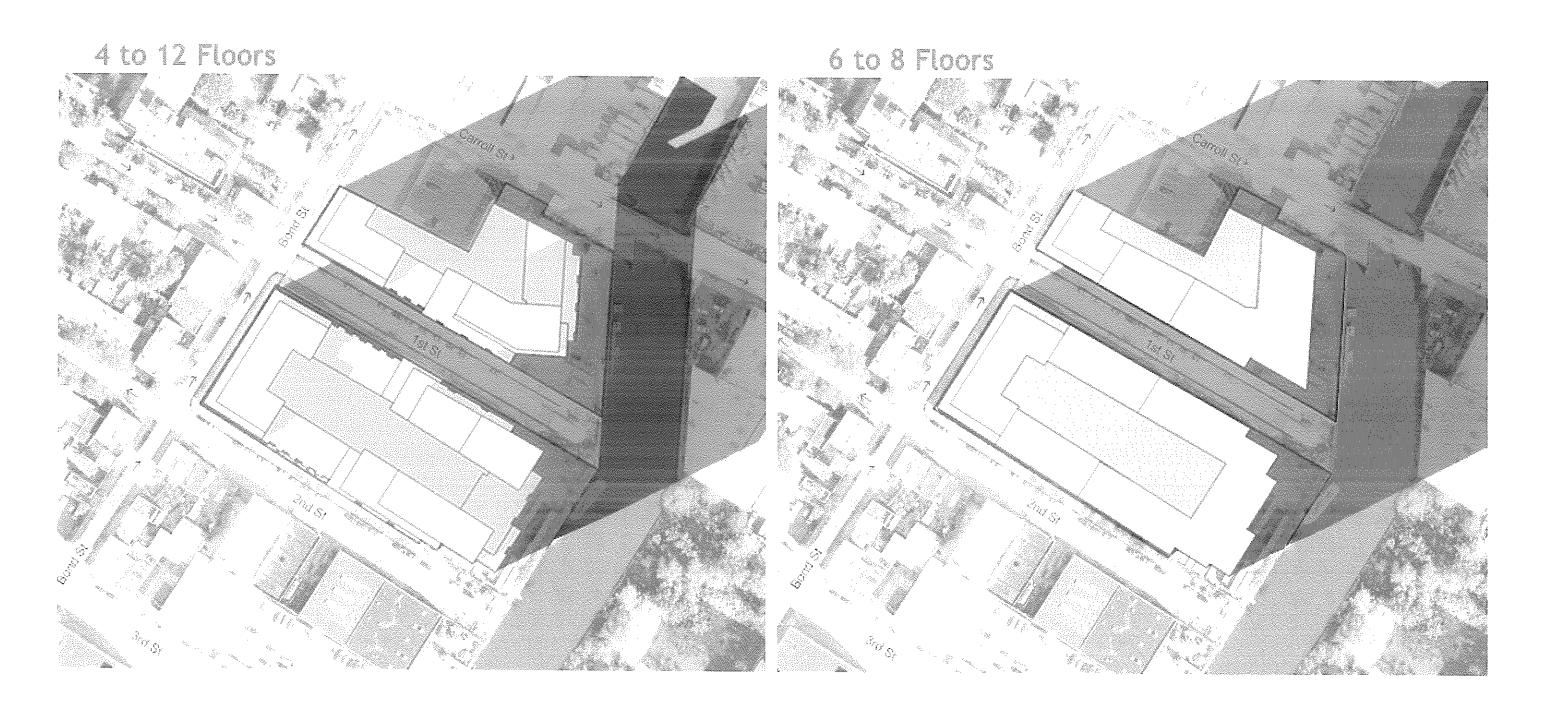
November 1st 01:00 PM



November 1st 02:00 PM



November 1st 03:00 PM



November 1st 04:00 PM

363 - 365 Bond Street

Inclusionary Housing Information Projections as of 3/2009.

The proposed project at 363-365 Bond Street is projected to consist of approximately 447 residential units. The standard for providing affordable units is to use a ratio of 80/20 (market-rate to inclusionary) when developing a unit mix with inclusionary housing. However, this project would have approximately 30% of the units (130) designated as inclusionary housing rental units. These units would be reserved for residents earning not more than 80% of the HUD Income Limit and would remain permanently affordable.

Estimated Breakdown of Inclusionary Units by Size

Total	130
2 Bedroom	66
1 Bedroom	25
Studio	39

Projected Rents for Inclusionary Units

While the specific inclusionary housing program we will utilize is still under consideration, it is anticipated that the inclusionary units will be of varying levels of affordability, with some units designated for those making not more than 80% of the HUD Income Limit and some units targeted to those making not more than 60% of the HUD Income Limit. It is our goal to offer affordable units to a broad range of income levels in accordance with available public subsidies. We believe it is possible that the financing program we enter could allow some units to be designated for those making not more than 50% of the HUD Income Limit (\$38,400 for a family of four) and some units for those earning not more than 40% of the HUD Income Limit (\$30,720 for a family of four).

Middle Income Residents

(80% of the HUD Income Limit reported for a family of 4 is estimated at \$61,440.)

			Minimum	Maximum		
Unit Type	No. of Residents		Income	Income	Esti	nated Rent
Studio		The bear	建工作,在2008年 至	And the second second	WELL'S	
	1	\$	31,580 \$	43,000	\$	873
1 Bedroom		er de la company		in the supplied	Takan Maria (Santa) Maria (Maria Maria (Maria	
	1	\$	39,500		\$	1,099
	2	\$	39,500		\$	1,099
2 Bedroom		Tar de Second		A STATE OF THE STA	· Calleria	
	2	\$	47,390 \$	49,150	\$	1,323
	3	\$	47,390 \$	55,290	\$	1,323
	4	\$	47,390 \$	61,440	\$	1,323

Low Income Residents

(60% of the HUD Income Limit reported for a family of 4 is estimated at \$46,080.)

					Minimum		Maximum		
Unit Type		N	o, of Resident	s	Income		Income	Esti	mated Rent
Studio		1.39.	2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	* *	31,200	S	32,250	inie (* 11.0 met 1.) \$	732
1 Bedroom	•		2	\$	33,400	14 p 11 t 300 \$	36,860	\$	782
2 Bedroom	engan application				de subtrant de secondo	ide en e	the street with the street of		943
			3 1	\$ ¢	40,080 40,800	\$ \$	41,470 46,080	\$ \$	943

363 - 365 Bond Street

Inclusionary Housing Information Projections as of 3/2009.

Low Income Residents

(50% of the HUD Income Limit reported for a family of 4 is estimated at \$38,400.)

3 \$

4

\$

			Minimum		Maximum		
Unit Type	No. of Residents		Income		Income	Estin	nated Rent
Studio (1977)	1	\$ \$	25,800	\$	26,880	\$ \$	597
1 Bedroom	2 2	\$ \$	27,640	\$	30,720	\$ \$	638
2 Bedroom	3	\$	33,160	\$100 (144) \$	34,560	\$	770
	4	\$	33,160	\$	38,400	\$	770
Very Low Income Resident (40% of the HUD Income Lii		family of 4 is	estimated at	\$30,720).)		
			Minimum		Maximum		
Unit Type	No. of Residents		Income		Income	Estin	nated Rent
Studio	(1.00) 1	\$ \$	20,400	\$	21,500	\$	462
1 Bedroom	2 tale 2	\$	24 890	र्ग, द्वान्य, स्टब्स्स ्राज्याः स्टब्स्स	Telegraphical Conference of the Conference of th	·	494
	2	Þ	21,880	\$	24,570	Ψ	434

26,240 \$ 27,640

30,720

26,240 \$

597

597



ENVIRONMENTAL LIABILITY MANAGEMENT, LLC

267 Broadway, 5th Floor New York, NY 10007 Tel: (212) 962-4301 Fax: (212) 962-4302

February 26, 2009

Proposed Clean-up Plan for 363 and 365 Bond Street and 400 Carroll Street, Brooklyn NY

Thorough and extensive environmental testing programs performed on the project site between 2004 and 2005 indicated that releases of industrial raw materials and/or waste products occurred over the long industrial and manufacturing history of the site. Constituents detected in soil and groundwater across the site included petroleum-related compounds, along with other compounds typically associated with cinders and asphalt in urban fill material. The extent of the detected constituents appeared to be limited to the fill layer located above the organic clay at between approximately 5 and 17 feet below grade.

The remedy for the site will be administered through the New York City Department of Environmental Protection and the New York State Department of Environmental Conservation. At this time, the proposed remedy has been approved by the Department of Environmental Protection, and is under review by the Department of Environmental Conservation.

The remedy for the site will include the removal, treatment or containment of constituents of concern across the site in accordance with all applicable federal, state and local laws and regulations and in a manner that is protective of human health and the environment. The proposed remedy includes the following:

- Any storage tanks discovered during excavation will be removed and disposed of in accordance with all applicable federal, state, and local regulations.
- Areas where petroleum is known to exist will be excavated down to 2 feet into the water table (approximately 7 feet below grade) and the excavated soils will be disposed of off-site in accordance with all applicable regulations. Two such areas are known to exist on the southwestern portion of the 363 Bond Street parcel. These areas are outlined in red on the attached Figure 3.
- After excavation, soils that still have elevated levels of petroleum constituents will be treated by either converting the soils to a stable, solid mass (by adding cement, etc) or by mixing the soils with a special mix of chemicals that destroy the petroleum constituents. These areas are known to exist on the western portion of 363 Bond Street, the eastern portion of

365 Bond Street and the northwest, central and southeast portions of 400 Carroll Street. These areas are outlined in yellow in the attached Figures 3, 4 and 5.

- As additional protective measures, a waterproofing layer and a ventilation system will be constructed beneath the foundations of the new buildings.
- Any exposed areas (i.e. not covered by buildings, sidewalks or walkways) will be capped with two feet of clean soil.
- Dust suppression and appropriate air monitoring will be maintained during soil disturbance.
- All remedial activities will be performed in accordance with the Construction Health and Safety Plan specifically developed for this project.

ENVIRONMENTAL LIABILITY MANAGEMENT, LLC

Mimi Raygorodetsky Project Manager



A question was raised on Wednesday, March 4's City Council Subcommittee meeting, as to whether or not remediation would be completed prior to construction. As outlined below, it is anticipated that any invasive remediation activities will be completed prior to general construction.

For additional details please refer to the memo prepared and submitted by ELM on March $4^{\rm th}$ 2009 to the Subcommittee.

Remediation Phasing

Prior to general construction, the following remedial activities will occur:

- ✓ All existing building on-site will be remediated of any asbestos content and then demolished. All debris will be removed from the site.
- ✓ Post demolition additional soil and groundwater borings will be advanced in areas that were previously inaccessible due to the presence of buildings. Any constituents identified by this process will be addressed in an identical manner to those identified by previous sampling.
- Next, known "hot-spot" locations containing product saturated soils will be excavated down into the water table and disposed of off-site at a regulated facility in accordance with federal, state, and local regulations.
- Then, a specialized remediation contractor will be brought onto the site to treat the remaining identified soils that contain lower levels of constituents of concern. The treatment will consist of either converting the soils to a solid, stabilized mass using specialty cement blends, or mixing or injecting the soils with additives that facilitate remediation. Post-effectiveness monitoring will be performed to confirm these measures were effective.
 - On-site treatment of soils, coupled with protective measures such as a sub-slab depressurization system and vapor barrier, are just as effective as complete soil removal in eliminating exposure for future site tenants and the community at large. Additionally, advantages to remedying in place are that contaminated soils will not be disturbed, therefore they will not release particulates into the air, and the soil will not have to be trucked through the community.
- ✓ Once the above remediation measures are completed, clean fill will be imported to raise the grade of the overall site.

It is only after the above steps have been taken that the site will be prepped for construction of the foundation. At this time, as an additional protective measure, a subslab depressurization system and a vapor barrier will be installed as part of the proposed building foundation and landscaped areas of the site will be capped.

363 – 365 bond st

Toll Brothers looks forward to participating in the revitalization of the Gowanus neighborhood in Brooklyn by redeveloping two formerly industrial blocks along the west waterfront of the Gowanus Canal into a mixed-use, primarily residential development.



PROPOSED DEVELOPMENT: (Site Plan diagram located on page 2.)

Each of the two blocks on the project site will contain 3 buildings, for a total of 6 buildings:

- The 2 buildings fronting on Bond Street will be low-rise buildings consisting of five stories and a setback story. These buildings will contain rental units of inclusionary housing, which would remain permanently affordable.
- Along First Street and Second Street will be 2 four-story buildings containing market-rate townhomes. These units will have individual entrances from the street, along with private open space in the rear of each townhome.
- Fronting the Canal and wrapping the corners of First and Second Streets will be 2 buildings of varying heights that will range from five to twelve stories. These buildings will contain market-rate multifamily housing.

The proposed buildings will be predominantly residential, but will also include a community facility and retail space.

❖ Community Facility

Approx. 2,000 gross sq ft along Second Street. Along with use by the Gowanus Dredgers, it is anticipated that this facility could be utilized as a rotating space for community groups to use for the purpose of educating the public about the environment.

Retail

Approx. 2,000 gross sq ft along First Street. While no specific retail use has been designated for this space, it is anticipated that it will be service-oriented retail that will benefit local residents, such as a café or deli.

Residential

Approx. 602,000 gross sq ft. This space will be utilized for housing, parking, and accessory uses for the residents in the development:

- Approx. 130 units (30% of the units in the project) would be designated as inclusionary housing rental units which would remain permanently affordable.
- · Approx. 317 units would be designated as multi-family home-ownership units.
- Approximately 268 enclosed parking spaces

To facilitate the development of affordable housing on the site, Toll Brothers is proposing to apply the Inclusionary Housing program and related floor area regulations to the proposed site. 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.

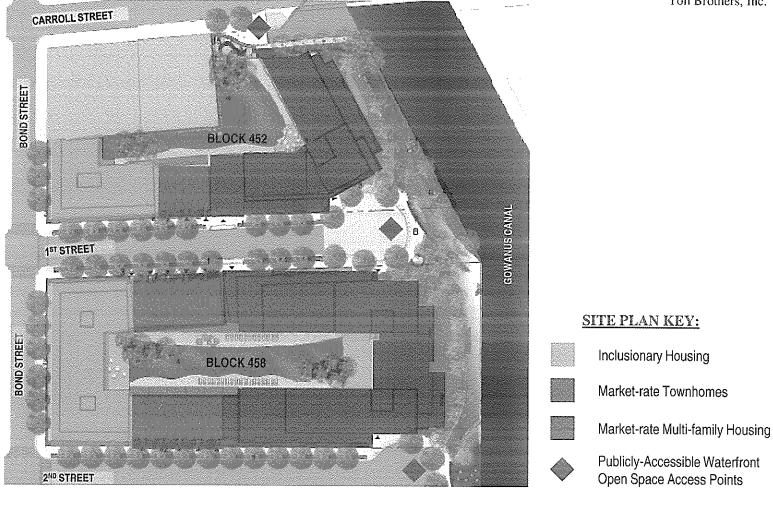
ZONING ACTIONS REQUIRED TO EFFECTUATE THE PLAN:

- Zoning text amendment to the following sections:
 - i. Sections 123-63 and 123-90 to establish a Special Mixed Use (MX) District in Gowanus.
 - ii. Sections 23-144, 23-922 and 23-942 to apply the Inclusionary Housing Program to specified R7-2 districts.
 - iii. Section 23-942 to apply standard height and setback regulations of MX districts to developments utilizing the Inclusionary Housing program in certain noncontextual MX districts.
- 2. Amendment to the zoning map changing from an M2-1 district to an M1-2/R7-2 Special Mixed Use District.
- 3. 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.

363 – 365 Bond St

February 2009

Toll Brothers, Inc.



PUBLICLY-ACCESSIBLE WATERFRONT OPEN SPACE:

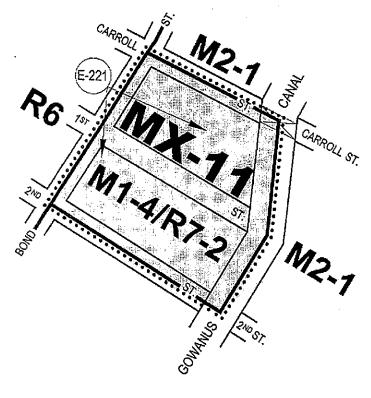
- The proposed project would provide approximately 23,000 sf of publicly-accessible open space along the length of the project's Gowanus Canal waterfront and would include the repair of the bulkhead for the entire length of the project site's waterfront.
- The open space would provide views along the waterfront as well as opening up new views of the historic Carroll Street Bridge, and would be landscaped with public amenities including planting areas, a small pavilion, benches, educational and historical markers, and possibly a dog run.
- Access points to the open space would be located at Carroll Street, Second Street, and at the end of First Street.

PROPOSED INFRASTUCTURE IMPROVEMENTS:

- Currently, all of the project site's sanitary flow and a portion of the site's stormwater flow are conveyed to the Red Hook Water Pollution Control Plant (WPCP) via the existing combined sewer in Bond Street.
- The proposed project would separate the stormwater flow from the sanitary flow by installing new separate stormwater sewers designed in accordance with NYC DEP standards in First and Second Streets, with new stormwater outfalls to the Gowanus Canal.
- These new stormwater sewers, built by Toll Brothers, would divert the project site's stormwater from the local combined sewer system, thereby reducing the impact of the project site on the local sewer system and improving local drainage conditions. The stormwater will be treated prior to discharge into the Canal.

PROPOSED SITE REMEDIATION:

- As part of the proposed project, remediation would remove, treat
 or contain the highly weathered petroleum-related compounds
 and compounds typically associated with cinders and asphalt in
 urban fill material compounds found through environmental
 investigations onsite. Toll Brothers would comply with all
 regulations regarding the proper management, handling and/or
 disposal of any asbestos or lead paint in accordance with City
 regulations.
- These measures would be implemented in accordance with a DEP-approved Restrictive Declaration (RD) for the project site and in accordance with a NYS DEC-approved remediation plan. The RD will require the implementation of all measures deemed necessary by DEP to prevent potential impacts related to hazardous materials.





CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

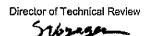
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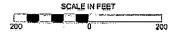
ON SECTIONAL MAP

16c

New York, Certification Date SEPTEMBER 8, 2008

BOROUGH OF BROOKLYN





NOTE:

Indicates Zoning District Boundary.

694696

The area enclosed by the dotted line is proposed to be rezoned by changing from an M2-1 District to an M1-4/R7-2 District and by establishing a Special Mixed Use District (MX-11).



Indicates a Special Mixed Use District (MX-11).

E

Indicates a City Environmental Quality Review Declaration, refer to

C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Brooklyn Borough President Recommendation



CITY PLANNING COMMISSION 22 Reade Street, New York, NY 10007 FAX # (212) 720-3356

INSTRUCTIONS

- 1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
- 2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #:

090047 ZMK - 090048 ZSK - 090049 ZRK

363 - 365 Bond Street

In the matter of an application submitted by the Toll Brooklyn L.P. pursuant to Sections 197-c and 201 of the New York City Charter for: (a) an amendment of the Zoning Map, Section No. 16c changing from an M2-1 District to an M1-4/R7-2 District property bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street; and establishing a Special Mixed Use District (MX-11) District bounded by Carroll Street and its southeasterly centerline prolongation, the center line of the Gowanus Canal, Second Street and its southeasterly centerline prolongation, and Bond Street; and (b) a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback regulations of Section 123-66, the rear yard regulations of Section 23-47, and the inner court regulations of Section 23-852; and, (c) a zoning text amendment in connection with a proposed mixed use development on property located at 363 – 365 Bond Street.

COMMUNITY DISTRICT NO. 6	BOROUGH OF BROOKLYN
RECOMMENDATION	
☐ APPROVE ☑ APPROVE WITH MODIFICATIONS/CONDITIONS ☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS ☐ DISAPPROVE	

BOROUGH PRESIDENT

December 17, 2008

DATE

RECOMMENDATION FOR THE PROPOSED

LAND DISPOSITION OF

CITY-OWNED PROPERTY FOR

RESIDENTIAL DEVELOPMENT

090047 ZMK — 090048 ZSK — 090049 ZRK

PUBLIC HEARING

On November 19, 2008 Brooklyn Borough President Marty Markowitz held a public hearing on applications by the Toll Brooklyn L.P. (Toll) for the following actions: amendment to the Zoning Map and text; and the granting of a special permit. Approval of these actions are being sought in order to facilitate a mixed-use development consisting of 447 housing units, 269 parking spaces (approximately 60 percent of the number of units) and 2,000 square feet (sq. ft.) each for retail and community boathouse space for the Gowanus Dredgers. A linear, publicly-accessible open space (nearly 31,000 sq. ft., not including the end of public streets) would be provided along the Gowanus Canal for the length of the site, ranging in width from 40 to 70 feet.

The building plans, including bulk, parking, use (except for the affordable housing component), open space and site remediation of hazardous materials, would be memorialized through the filing of a deed restriction recorded against the land. The residential component of the proposal is indicated to provide 130 affordable housing units. The applicant has stated that the rental properties will be affordable to households primarily earning up to 60 percent of area median income (AMI), though efforts would be made to accommodate lower-income families up to 40 percent AMI and moderate-income households up to 80 percent AMI.

In response to the borough president's concern of whether the affordable housing component would be built, the applicant referenced the incentives based on the inclusionary housing zoning bonus in combination with the 421-a real estate tax abatement as strong enticements to proceed with the affordable housing. Responding to the concept that the project could be reshaped to limit height without sacrificing the floor area of the proposal, representatives of Toll stated that such a massing would be monolithic, lack variety, and be unattractive as exemplified by the nearby Mary Star of the Sea elderly housing project as well as having negligible effect on the shadows cast by the buildings. In regards to the borough president's interest in providing more opportunity for family housing by changing the unit mix to include three-bedroom units as part of the affordable housing component, the representative advised that the unit mix could be modified.

There were four speakers in favor of the application and 22 speakers against the application. Speakers in support included representatives for Council Member Bill de Blasio and the Gowanus Dredgers

The council member's representative said that the Toll proposal is consistent with the framework developed by the Department of City Planning (DCP) for Gowanus and that the agency will be moving forward with a rezoning proposal. The council member supports the project for having 30 percent of the units as affordable housing; waterfront open space; exceeding the rate of required parking; and, storm-water improvements. The council member also sees the proposed development as a catalyst for the Department of Environmental Protection (DEP) commitments including the pump station upgrades, flushing tunnel repairs, and reactivation of a forced main.

The representative of the Gowanus Dredgers endorsed the space that would be set aside for the boathouse and access point that would be provided to launch boats into the Gowanus Canal. The contractual commitment signed between Toll and the unions was noted as a positive decision that would set a precedent for subsequent developers and result in jobs that provide good wages. Other supporters believed that the proposal would aid efforts to address negative aspects of the current state of the canal.

Those opposed included representatives of the Center for the Urban Environment, the Carroll Gardens Neighborhood Association, the Coalition for Respectful Development, Friends of Greater Gowanus (FROGGS), Gowanus Canal Conservancy and the Urban Divers and various individuals.

Several concerns were expressed in opposition to Toll's proposal. A number of those who testified stated that the canal is highly polluted and that development along its banks should not happen until it is cleaned up. A report issued by the Army Corps of Engineers was referenced for noting the vast number of toxic chemicals contained in the canal. It was suggested that cleaning the Toll site of its pollutants would not protect subsequent residents from the adjacent health hazards, including biohazards, when the canal floods over its banks. Some speakers called for a health study to be initiated, prior to permitting development, to determine if a cancer cluster exists. Others advocated for establishing a Gowanus preservation land trust through public ownership that would pursue comprehensive clean-up prior to any rebuilding. There were also those who questioned building in areas susceptible to 100-year flood events which apparently are increasing in frequency.

Other concerns pertained to whether it was appropriate for the development of this site to be given consideration before the outcome of the DCP framework is formally approved. Since this DCP framework has not been reviewed as a land use application, it is believed that it should not be used as a basis to justify Toll's proposed height. At issue was the part of the plan that exceeded 8 stories (12 stories proposed) and the resulting canyon-like effect along the canal and shadows that would be cast. Speakers believed that shadows from a 12 story building would make the open space along the canal less usable and would hamper its ecological benefits. Many speakers supported an 8-story height limit because they felt it would provide improved light and air. By limiting the height to 8 stories, they said, would eliminate the view of the project from the Carroll Gardens Historic District. It was believed that the resulting building, without exceeding 8 stories, could be designed creatively with architectural diversity, including recreating the townhouses at the building's base to maintain multiple entrances along the street.

Additional concerns included the following: the adequacy of the parking to be provided; whether the higher performing schools (such as M.S. 51) would become overcrowded due to the increase in school age population. Some speakers questioned whether the affordable housing would be built.

Prior and subsequent to the hearing, the borough president received additional comments — primarily against this application. The general consensus for those against this proposal called for this development to be limited to eight stories.

Subsequent to the hearing, representatives of Toll met with the borough president's staff to further discuss the project. The developer's representative explained that limiting the building to eight stories, as requested by many community residents,

would result in either long corridors or another vertical circulation core with space diverted towards elevators and stairwells. Both cases would divert revenue producing floor area to such spaces. Furthermore, the vertical core would result in additional costs to provide security for the residents and in the loss of parking spaces (five spaces on the north side of First Street and ten spaces on the south side); and, remove street life by replacing the individual entrances of the townhouses. In a letter to the borough president dated December 15, 2008, Toli projected that providing an extra vertical core and lobby would increase the development cost by \$1 million and reduce revenues by \$3 million.

In terms of the commitment to provide affordable housing, the Toll representative said that the affordable housing development partner, L & M Equities, has a compelling track record with the expertise to obtain the required financing through the government application process. It is anticipated that L & M will apply for tax-credits through the annual competitive process of the state. In the December 15 letter, Toll advised that if the application was not selected in 2009, it would commit that L & M would file again in 2010 in order to deliver the affordable housing aspect of the project. In correspondence dated December 17, 2008, a representative of Toll noted that the development will be a continuous multi-year process projected to take between 12 to 24 months to complete. If for any reason by 2010 the public funding needed to provide housing affordable to lower-income households is not obtained for the second of the proposed affordable buildings, Toll will apply for funding in the 2011 approval cycle for the number of units that represents 20 percent of the total floor area of that block.

At the aforementioned meeting, the borough president's representative told Toll that the borough president believed there should be some retail space fronting the public esplanade along the canal. In response, the representative of Toll stated his belief that such a space would be difficult to market and that a vacant space along the open space would be detrimental for the users of the open space. Representatives of Toll submitted documentation that indicated subtle differences in the shadows cast on the publicly accessible open space between an 8- and 12-story building configuration during the afternoon hours.

CONSIDERATION

Community Board 6 approved these applications at the requested height subject to the development being constructed as presented with affordable housing.

The site is zoned for industrial use with limited applicability for retail development. Toll is seeking zoning that would substantially increase the range of retail and commercial uses, including hotels, while allowing residential and community facility use. However, Toll intends to voluntarily record a deed restriction on this land that would be legally enforceable with an expectation that development would occur subsequent to the remediation of the hazardous materials. These restrictions include the following: development would not exceed the requested height and building configuration; uses would be as indicated in the application drawings, including the number of parking spaces presented; open space would be developed as delineated; and, storm water treatments would be constructed. Thus, with the recording of the deed restriction, the proposed zoning is only relevant in that it permits residential development.

The borough president believes that this proposal is consistent with the land use aspect of the DCP framework for Gowanus. Though there may be aspects of the DCP

framework that needs thorough examination during the public scoping hearing and eventual ULURP process, he is confident that the sites being sought for residential development are largely in agreement.

If approvals are granted to Toll, it will allow them to begin to remediate the hazardous materials within its site, construct its separate storm sewer infrastructure and build its residential development. Approval of these applications is appropriate only after Toll provides a satisfactory commitment to address concerns pertaining to: height; affordable housing (including more family-sized units); and, location of retail use.

BUILDING HEIGHT

The borough president believes that there is merit in the plan presented by the joint volunteer efforts of the architects that are residents of the community. Their position is that height above eight stories is inappropriate and that the floor area that Toll is proposing above such height can be redistributed within the project. The borough president believes that this proposal has significant acceptance within the community. For the building site on the north of First Street, the borough president concurs with the position of the community that the building height should not exceed eight stories. The views of the proposed project from the Carroll Street Bridge strongly justify a reduction of building height. The historical bridge is envisioned by the borough president as an essential component of the anticipated open space system along both banks of the Gowanus Canal. The height along the canal must be carefully contemplated in terms of the future users of this open space system. Limiting height on this block to eight stories would eliminate views of the project from within the Carroll Gardens Historic District along Carroll Street.

The part of the building above 8 stories of the development site south of First Street is a sufficient distance from both the Carroll Street and Third Street Bridges to not impact on the open space users on those canal crossings. Toll has provided sufficient shadows analysis demonstrating that the 12-story portion would have nominal effects on users of the canal-side, linear, open space network.

The floor area of the proposed north block tower can be adequately redistributed on the site without impacting the proposed transition height indicated at the Bond Street section of the block. The borough president believes that Toll's design team has the capability to generate new Brooklyn architecture that rivals successful architecture where buildings are fairly uniform in height, as has been achieved in the development in Cobble Hill known historically as the "Home Apartments" located at Baltic and Warren Street. This can be achieved without compromising the benefits of multiple building entrances associated with row-house development. It will still be possible to provide direct street access for individual apartments at grade as a means of activating the street, perhaps in a duplex arrangement, at the base of the building. The borough president understands Toll's position that such development might be less financially attractive due to diverting useable areas for circulation, that is, longer hallways or additional vertical circulation and lobby areas. However, the scale of the project should respect the community that is hosting this development. The attractiveness of the scale and design of buildings in the area has made the project site attractive enough for Toll to want to invest in the area.

Furthermore, the Toll design is not consistent with the DCP framework for open space along 12-story building portions. Toll provides an open space adjacent to the canal

40 feet in width. The framework apparently prescribes 55 feet. In light of these concerns, the borough president believes that the height of the north block should not exceed 8 stories.

AFFORDABLE HOUSING

By Toll voluntarily recording a deed restriction on this land, the project will be legally bound to not exceed the requested height and building configuration; that the uses would be as indicated on the drawings; including the proposed number of parking spaces presented; open space would be developed as delineated; and, storm water treatments would be constructed – all subsequent to the remediation of hazardous materials. What would remain uncertain is whether the affordable housing would be constructed. Toll's commitment to the affordable housing, while commendable, is dependent on the successful efforts by L & M Equities to be awarded financing resources through an annual competitive process of the state.

In a letter from Toll dated December 15, 2008, Toll advised the borough president that it intends to forgo the zoning bonus and 421-a real estate tax abatement in order to develop the site if L & M was not successful after applying in 2009 and 2010. On December 17, this commitment was clarified to extend to 2011 if needed for part of the project.

Though development would result in publicly-accessible open space and the removal of environmental hazards from the site, the borough president believes that these factors by themselves do not justify approving this project. In the past decade Carroll Gardens has evolved into a highly desirable neighborhood. As more affluent households have moved in, long-time residents that do not own their residence have been displaced or have been finding it more challenging to remain in the neighborhood. Many rental apartments in this area are not protected by rent stabilization, which at times is not sufficient enough to keep rent within the means of certain households. In order to appropriately provide opportunities for displaced residents to return to the neighborhood and for those at risk for being displaced, the borough president believes that Toll's commitment to building the affordable housing based on correspondence received on December 15, and December 17, 2008 is sufficient.

In consulting with for-profit affordable housing developers, the borough president learned that the general consensus was that two attempts for the necessary funding assistance through the state should lead to an award. Apparently it is the practice of the State Department of Housing and Community Renewal (DHCR) to work with applicants who have not been selected to help them succeed with subsequent attempts. There are specific items that might weigh heavily in DHCR's scoring system to determine which meritorious project is likely to obtain an award. While seeking funding, Toll should report to DHCR the current plans in which it will follow to gain insight into how well the project weighs on the agency's scoring system. It should be noted that even with the best of intent, developers have advised that more than two funding cycles are at times necessary to achieve an award.

Due to the proposed development being on two blocks, it is reasonable to expect the project to be phased. Through phasing, the number of market rate units will be able to be absorbed over a more gradual amount of time. Therefore, it is conceivable that a first phase could be under construction while the developer benefits from an extra year to pursue affordable housing funding resources through the government.

The site north of First Street contains approximately one-third of the proposed affordable housing. Based on the insight provided to the borough president, he accepts Toll's December 15 commitment to seek funding over two request cycles as long as it is applicable to the site that contains the lower percentage of affordable housing, meaning for the north site building (minimizing the risk of the loss of affordable housing units if two attempts do not result in an award from the State). With Toll's December 17 commitment to seeking funding over three cycles, the likeliness that affordable housing will be achieved is substantially enhanced. Toll should be compelled to reserve this commitment for the block south of First Street (which contains the greatest share of the affordable housing). This funding would allow Toll to be permitted to file for building permits in conjunction with a "lower income housing plan" acceptable to the Department of Housing Preservation and Development, pursuant to Zoning Resolution Section 23-93, as part of the building approval documents.

Furthermore, the affordable housing proposed by Toll would contain studios and oneand two-bedroom apartments. Many two-bedroom affordable apartments are illsuited for families with more than one child. In order for the affordable housing to provide a wider number of family sizes the opportunity to apply for housing, the borough president believes that the earmarked affordable units (not less than 20 percent of the development) contain less studio and one-bedroom units in order to incorporate a suitable number of three-bedroom units. Though this would reduce the number of affordable units to less than 130 units as proposed, the number of families that would become eligible to seek such housing would greatly increase. The borough president believes that expanding opportunities to more households within the space that would be developed for affordable housing is much more important than an absolute number of units that excludes opportunity for families of four or five persons. Therefore, construction should proceed based on the written commitments of December 15 and 17, 2008, provided that the commitment to apply for funding for three cycles before the start of the second block benefit the development on the south side of First Street - containing approximately 2/3 of the proposed affordable housing component; and, that the affordable housing on both blocks also includes three-bedroom units.

PARKING

The borough president shares the concerns raised by area residents regarding that the project may result in a shortage of on-street parking. The Draft Environmental Impact Statement (DEIS) predicts that a limited number of onsite spaces would be available when the Toll development becomes fully occupied. The deed restriction that Toll will file, prior to the review of these applications by the City Planning Commission, provides parking onsite for approximately sixty percent of the housing units. This is higher than the less than fifty percent that is required when a development contains a blend of market-rate and affordable housing units. If the distribution of unit types were modified to include three-bedrooms amongst the planned affordable units, and more family-sized units within the market-rate component of the project, the ratio between parking and apartments can be improved. If the number of households within the Toll development that want to utilize the onsite parking does not meet the number of spaces available, such spaces may be rented to area residents. The issue of parking would be further evaluated as part of the review process for the DCP application.

RETAIL/ARTISAN SPACE ALONG THE CANAL

The borough president believes that the open space along the canal would be enhanced if some portion of the development fronting the canal was occupied by commercial use. This does not mean that the developer would have to give up more valuable residential development. The retail proposed along First Street could be switched to a canal frontage location. In this way, the commercial space becomes more of a community amenity. Even with subsequent redevelopment on the east bank of the canal per the DCP framework, the borough president believes that the publicly accessible space that Toll would construct would benefit from sunlight from the mid-morning until the early afternoon. Such space would be enhanced as a community congregation area by having an opportunity to obtain beverages and food adjacent to the canal. Though convenience food in itself might be challenging to operate successfully as a business from the sales generated from building residents and open space congregants from the neighborhood, joint use as gallery/artisan (wares such as handmade jewelry, etc.) space could help sustain such a commercial space, while being in synergy with the many galleries that are already integrated within Gowanus. Therefore, space for such uses should be included along the canal.

SCHOOL OCCUPANCY

The borough president is aware that the baseline analysis used to determine school populations was subsequently made obsolete after the DEIS was circulated at the outset of the public review process. Prior to preparing the final EIS, the borough president recommends that Toll consult with the following website http://insideschools.org or the Department of Education's (DOE) Enrollment, Capacity and Utilization Report to evaluate school occupancy. The Toll site is within the enrollment catchment area of P.S. 32. Using the latest data, it is possible that this project would reach the maximum capacity in the building for the elementary school. At a meeting between the Borough President's Office and DOE held on November 20, 2008, it was noted that P.S. 133 would be split between District 13 (300 seats) and District 15 (600 seats). In addition, the building housing P.S. 32 also contains a middle school and a District 75 school. Therefore, the DOE appears to have multiple options to address capacity at P.S. 32 prior to significant occupancy of what would be developed by Toll or other entities.

Evaluation of area school capacity would again be part of the anticipated DEIS associated with DCP's Gowanus Canal Corridor study. This evaluation would be completed significantly in advance of the Toll project to aid DOE in planning for school seats. However, the borough president expects that DOE would be consulted for this assessment. That DEIS would likely clarify the adequacy of school capacity in this area in light of the Toll application, and the anticipation of more developments subject to other known zoning proposals including Gowanus Green (Public Place) and the DCP Gowanus proposal.

ENVIRONMENTAL CONCERNS

The borough president believes that this application by Toll should cause DEP to focus attention to the needed clean-ups in and around the Gowanus canal. As many areas compete for infrastructure improvements by DEP, the absence of the proposed development by Toll might no longer provide an impetus to prompt a clean-up of the area. Canal area improvements include the upgrades to the Gowanus pump house;

reactivation of the forced-sewer main (diverting a portion of the combined sanitary and storm sewage directing more to the Columbia Street sewage interceptor line rather than continuing in the Bond Street interceptor towards Red Hook first); repairing the system that provides water from the Buttermilk Channel; and, dredging of the canal north of Union Street. These upgrades are critical to improving the water quality of the Gowanus Canal. In that regard, the borough president wrote to DEP Acting Commissioner Steven Lawitts, in a letter dated December 17, 2008, urging for the completion of the necessary clean-up on the Gowanus by 2013, in light of the City's proposed Gowanus rezoning.

In addition to these projects that DEP has suggested it would implement, it has become evident to the borough president that the condition of the Bond Street interceptor makes adjacent buildings along and just uphill (west) of Bond Street more susceptible to sewer back-ups and flooding. The Borough President's Office has been advised by a DEP representative that the Bond Street interceptor is hampered in its ability to bring sewage towards the Red Hook Water Pollution Control Plant (at the Brooklyn Navy Yard) due to a build-up of sediment within the pipes. This is a likely cause of sewage back-ups and flooding for adjacent buildings. The borough president believes that the residents and property owners of these buildings should not continue to be victims of a malfunctioning sewer. To that end, in the aforementioned letter to the DEP Acting Commissioner, the borough president urged for expediting the process to free the Bond Street interceptor of this sedimentation. The borough president believes this issue needs to be addressed prior to the Bond Street interceptor serving the occupants of the development planned by Toll.

The borough president appreciates the documentation provided by a FROGGS representative of the historical places eligible for listing in the National Register and its quest for a Gowanus preservation land trust. However, the fiscal climate at all levels of government appears to render it economically infeasible, due to the high cost of acquiring property around the canal and remediation. Many of the places were also documented in the DEIS submitted by Toll and would be expected to be included in the forthcoming analysis by DCP as part of its evaluation documentation for rezoning a segment of the Gowanus industrial area. That process might play a role in determining whether or where mitigation is warranted for some of the potentially eligible places.

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to section 197-c of the New York City Charter, recommends the approval of these applications by the City Planning Commission and the City Council subject to the following conditions:

- That the building height is not to exceed eight stories north of First Street.
- 2. That the achievement of affordable housing be enhanced by sequencing construction so that development on the south side of First Street containing approximately 2/3 of the proposed affordable housing component be chosen by Toll to be the beneficiary of up to three application cycles for State funding assistance based on the written commitment dated December 17, 2008, that supplements the December 15 commitment; and, that the affordable housing on both blocks also includes three-bedroom units.

3. That retail and commercial gallery/artisans along the canal is provided within the proposed building.

Be it further resolved that the Department of Environmental Protection initiates and completes the following expeditiously:

- The repair of the Bond Street interceptor.
- The rehabilitation/reactivation of the Gowanus Flushing Tunnel, Gowanus Canal Pump Station and associated forced-main between Bond and Columbia Streets.



THE CITY OF NEW YORK COMMUNITY BOARD SIX

Marty Markowitz
Borough President

Richard S. Bashner
Chairperson

Craig HammermanDistrict Manager

November 17, 2008

Amanda Burden Chairperson City Planning Commission 22 Reade Street New York, New York 10007

> Re: 363-365 Bond Street, Brooklyn CEQR No. 08DCP033K ULURP Nos. 090047 ZMK, 090048 ZSK, N090049 ZRY, N090050 ZRY, N09001 ZRY

Dear Chairperson Burden:

I am writing to advise you that at its November 12, 2008 general meeting Brooklyn Community Board 6 resolved, by a vote of 23 in favor, 10 against, with 5 abstentions, to conditionally approve the above-referenced applications for the Toll Brothers, L.P. development in the Gowanus neighborhood of our district.

As you know, this project has been the subject of heated debate within our community over the past few months. Our Landmarks/Land Use Committee hosted a well-attended Public Hearing on September 25, 2008, followed by an extended deliberation period that carried over to their next meeting on October 23, 2008. Ultimately, the resolution the committee adopted was conditionally supportive of the project, subject to the following:

First, that the restrictive declaration for the subject properties clearly outline and detail the land uses and building designs;

Second, that the amount of affordable housing for this project be at least 30% of the total residential units constructed;

Third, that this project be constructed using union labor;

Fourth, that the developer be encouraged to reuse storm water captured at the project area on-site as part of a gray water system; and,

Lastly, that our Community Board's approval of this project not be considered a precedent for other projects in the Gowanus area, which should be reviewed on a case-by-case basis and considered individually for their merits.

Given the closeness of the vote on this resolution, I feel that it is important to summarize the dissenting positions, which fall into three categories:

- 1. that this application is premature, especially given the City's desire to take a more comprehensive look at the zoning in the Gowanus area, which is needed (in part) to provide a more extensive environmental impact statement that would better reflect, analyze and propose mitigation for the cumulative impacts of development in our community; consideration of this application now, before the City's actions, was compared to putting the cart before the horse;
- 2. that the height and massing of this project is inappropriate for this site, as it would be atypical and dominate the local landscape; and
- 3. that the environmental conditions in and around the Gowanus Canal are not suitable for residential development at this time, and that there are no guarantees that such conditions ever will be suitable in the future.

In a subsequent resolution by our Community Board, adopted by a vote of 38 in favor, 1 against, with no abstentions, we resolved to convey to you the following position:

We, therefore, call upon the Department of City Planning to move forward expeditiously with:

- a) the broader Gowanus Canal area rezoning, to provide a consistent regulatory framework so that proposed development is not one isolated outpost, and so that we do not continue to receive spot zoning requests, and
- b) the contextual rezoning/downzoning of Carroll Gardens, so that out-of-scale development does not continue to take place in Carroll Gardens, just a few steps away from this subject proposal.

While we understand that the Carroll Gardens and Gowanus actions are separate, we are eager for them each to move forward as quickly as possible in order to protect the surrounding community from out-of-scale development.

Finally, we thank you for announcing that the department is proceeding with the Carroll Gardens contextual rezoning/downzoning, and hope that your studies can move forward sufficiently quickly to permit our board to consider it at the same time as the Gowanus Canal area rezoning, if not sooner.

Thank you for your attention and continuing cooperation with us!

Sincerely,

Richard S. Bashner Chairperson

cc: Hon. Marty Markowitz
Hon. Bill de Blasio
Hon. Nydia Velázquez
Hon. Joan Millman
Hon. Daniel Squadron
Director Purnima Kapur, DCP/Brooklyn
Toll Brothers, L.P. (applicant)



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

Testimony by Brooklyn Borough President Marty Markowitz To the City Council Subcommittee on Zoning and Franchises Regarding the Toll Brooklyn applications for Gowanus Canal Development March 4, 2009

Good morning Chairperson Avella and members of the City Council Subcommittee on Zoning and Franchises.

My recommendation shared with the City Planning Commission was to approve applications submitted by Toll Brooklyn to develop two blocks along the west side of the Gowanus Canal between Carroll Street and 2nd Street subject to modifications. The primary modifications called for the reduction of height and more certainty that the development would include affordable housing units. Specifically, I called for the building height not to exceed eight stories north of 1st Street, and that the affordable housing component be enhanced by a commitment to seek State funding through multiple application cycles prior to seeking building permits. Though Toll had suggested to me a willingness to defer the project for up to three government funding cycles, Toll should be required to have this as a legally enforceable commitment.

The views of the proposed project from the Carroll Street Bridge strongly justify a reduction in building height. The historic bridge is envisioned by me as an essential component of the anticipated open space system along both banks of the Gowanus Canal. The building height along the Canal must be carefully contemplated in terms of the future users of this open space system. Limiting the height on this block to eight stories would also eliminate views of the project from within the Carroll Gardens Historic District along Carroll Street. The City Council should see to it that the drawings attached to the granting of the requested special permit are modified to indicate a maximum of eight-stories.

Though development would result in publicly-accessible open space and the removal of environmental hazards from the site, I believe that these factors by themselves do not justify approving this project. For decades, residents of Carroll Gardens knew what a desirable neighborhood they live in. In recent years, Carroll Gardens has been discovered by those who want this ambiance and lifestyles for their families. As more affluent households move in, long-time residents that do not own their homes have been displaced, or are finding it more challenging to remain in the neighborhood. Many rental apartments in this area are not protected by rent stabilization, thus becoming only affordable to households of greater affluence.

In order to appropriately provide opportunities for displaced residents to return to the neighborhood, and for those at risk of being displaced, it was very important to me that Toll's commitment to building affordable housing be strengthened. I believe that the project would provide an even greater benefit if the affordable housing on both blocks includes three-bedroom units for families in need of such housing. I also called for retail and commercial gallery/artisans along the Gowanus Canal's publicly-accessible open space as a way of enhancing the potential for recreational amenities such as a community congregation area. I believe that the City Council should command such changes to the project.

Finally, I have concerns about the condition of the Bond Street combined sewer interceptor and susceptibility of neighboring residents to sewer backups and flooding. I believe that the residents and property owners of these buildings should not continue to be victims of a malfunctioning sewer. I have written to the DEP commissioner asking that the agency quickly resolve the hardships of these residents before they welcome their new neighbors.

I commend Toll Brothers for investing in Brooklyn's future and I call on the City Council to see to it that Toll accepts my recommended modifications before approving these land use actions.

Thank you.

BILL de BLASIO ASSISTANT MAJORITY LEADER COUNCIL MEMBER, 39TH DISTRICT

☐ DISTRICT OFFICE
2907 FT. HAMILTON PARKWAY
BROOKLYN, NY 11218
(718) 854-979!
FAX (718) 854-1146

□ CITY HALL OFFICE 250 BROADWAY, 17th FLOOR NEW YORK, NY 10007 (212) 788-6969 FAX (212) 788-8967



THE COUNCIL OF THE CITY OF NEW YORK

CHAIR GENERAL WELFARE

COMMITTEES

TECHNOLOGY IN GOVERNMENT
CIVIL RIGHTS
EDUCATION
ENVIRONMENTAL PROTECTION
FINANCE

March 2, 2009

Dear Colleagues,

I am writing to express my strong support for the Toll Brothers rezoning project for 363-365 Bond Street, and urge you to vote in favor of this project. The proposed project will not only bring development to the Gowanus Canal area, but will lead the way as a development in terms of affordable housing, environmental remediation and public space. The project's bulk and setbacks fit the currently proposed Gowanus Framework, which was developed after community meetings and workshops.

In evaluating this project, I would like to point out a few key reasons for my support:

- The project provides approximately 460 units of housing, 130 of which will be affordable under 80% AMI. I am particularly pleased that 30% of the units will be affordable, 10% higher than the standard in the proposed Gowanus Framework.
- The affordable housing units will be constructed at the same time as the market-rate units.
- I understand there are concerns about the possible height of buildings if Toll Brothers opts out of the Inclusionary Zoning program. It is my understanding that the Inclusionary Zoning is a floor area bonus, not tied specifically to a building height. If a developer does not take the Inclusionary Zoning bonus, the FAR would be reduced by 33%. We have no reason to believe that subsidies will not be available to Toll Brothers for this project. Toll Brothers is in partnership with L and M Equities, a reputable affordable housing developer with an outstanding track record. L and M Equities has provided a memo of the subsidies they will be seeking.
- Zoning requires that the project provide parking spaces for 43% of the total housing units. The project will exceed the parking requirement in the current zoning proposal by 10%, thereby significantly reducing the impact of the project upon existing neighborhood parking spaces.



March 2, 2009

Councilman Bill de Blasio 2907 Fort Hamilton Parkway Brooklyn, NY 11218

Dear Mr. de Blasio,

L&M Development Partners is excited to work with the Toll Brothers, Inc and the City of New York on the development of affordable housing at 363 - 365 Bond Street in the Gowanus section of Brooklyn. As one of the largest developers of affordable housing in New York City we have been proud to build 8,000 units of housing in excess of \$2 billion in development cost since 1984.

For this project, L&M intends to seek financing through the New York City Housing Development Corporation's Low-Income Affordable Marketplace Program which provides a first mortgage funded through the proceeds of tax-exempt bonds, a second low interest subsidy loan and equity generated through the syndication of as-of-right Low Income Housing Tax Credits. Additional financing is expected to come from HPD's Mixed Income Rental Program and DHCR's Homes for Working Families Program.

As market conditions and program policy are rapidly changing we cannot commit to a specific program at this time, however we are committed to meeting the requirements of the inclusionary housing program and providing as broad a range of affordability as financing will allow. Once ULURP is complete we look forward to soliciting commitments from these funding sources. Please do not hesitate to contact me with any further questions.

Sinderely,

Lisa Gomez, Executive Vice President of Development

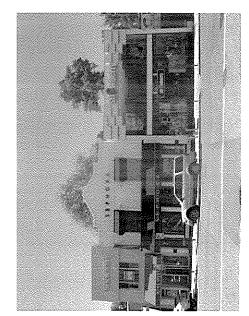
Special Forest Hills District Zoning Summary

Existing						——— Proposed
Zoning District	C8-2	C4-2	R7-1	R5D/C2-3	C4-4A	C4-5X
Maximum FAR (Residential)	N/N	2.43	3,44	2.0	4.0	5.0
Maximum FAR (Commercial)	2.0	3.4	N/A	2.0	4.0	5.0*
Maximum FAR (Community Facility)	4.8	4.8	4.8	2.0	4.0	5.0
Maximum Street wall Height	N/A	N/A	N/A	40 ft	40-60ft*	40-60ft* (all properties west of 70th Road) 60-85 (all properties east of 70th Road)
Maximum Building Height	Sky Exposure Plane	Sky Exposure Plane	Sky Exposure Plane	40 ft	70 ft*	150 ft* 80 ft*
Rear Yard	20 feet (C)	20 feet (C) 30 f'eet (R)	30 feet (R)	0 feet (C)* 30 feet (R)	20 feet (C) 30 feet (R)	20 feet (C) 30 feet (R)
Parking (Residential)	N/A	70% of dwelling units; 50% under Quality Housing	60% of total dwelling units; 50% under Quality Housing	66% of dwelling units	50% of dwelling units	50% of dwelling units
Parking (Commercial)	1 per 400 sf of floor area	1 per 300sf of floor area	N/A	1 per 400 sf of floor area	*1 per 400 sf of floor area	*1 per 400 sf of floor area
*As proposed by the Special District regulations.		(C)-Commercial (R)-Residential)	ial		of the second	

Special Forest Hills District Proposed Zoning

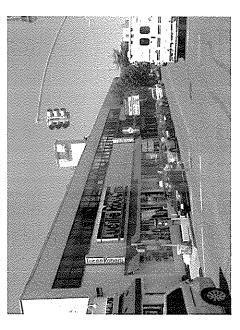
C4-5X C4-4A

RSD

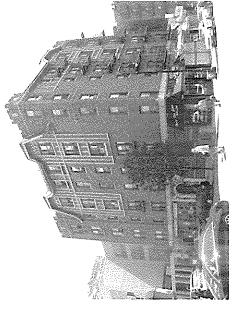




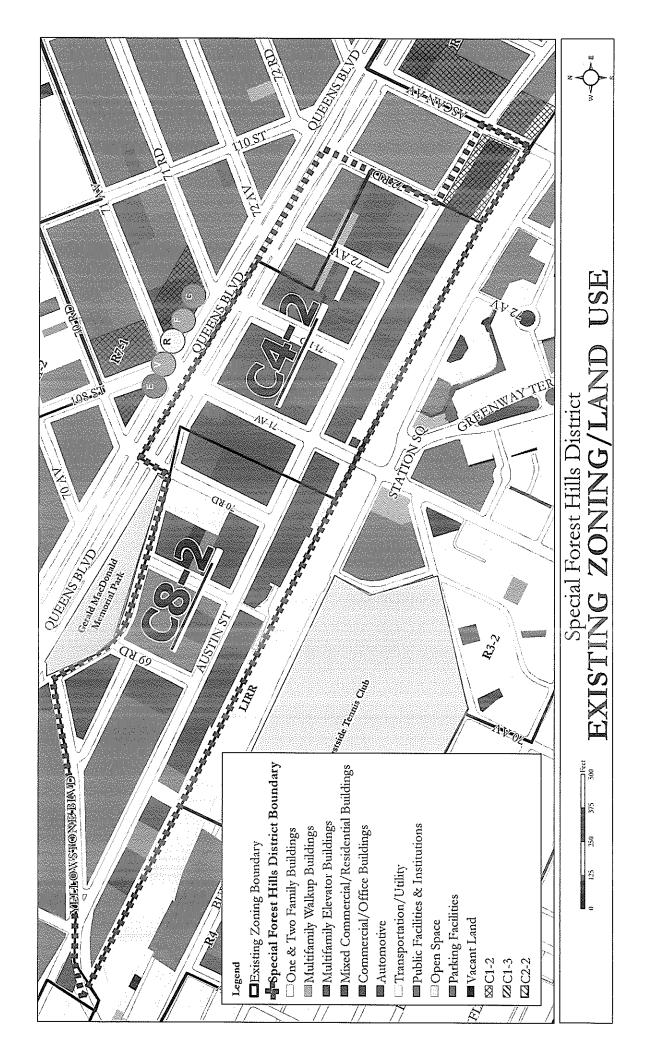


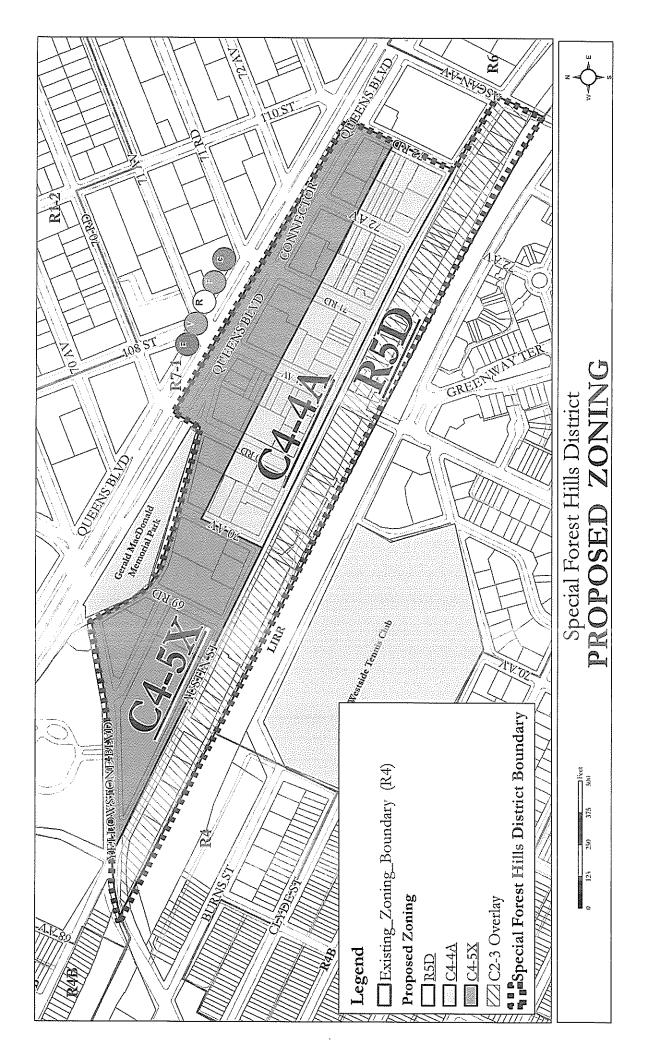


- 2.0 FAR for all uses
- Maximum Building Height=40'
- Rear Yard Waiver for non-residential uses abutting LIRR
 - 66% parking for residential units
- 1 space per 400 sf for commercial uses



- 4.0 FAR for all uses
- Streetwall height = 40-60,
- Maximum Building Height = 70°
 - 50% parking for residential units
- 1 space per 400 sf for commercial uses
- 5.0 FAR for all uses
- Streetwall height = 40-60′(properties west of 70th Road) 60-85′ (properties east of 70th Road)
 - Maximum Building Height = 150°
 - 50% parking for residential units
- 1 space per 400 sf for commercial uses





Special Forest Hills District Rezoning Proposal John Young, Director Queens Office, Dept. of City Planning

City Council Subcommittee on Zoning and Franchises March 4, 2009

Good morning, Chair Avella, Chair Katz, City Council Members, Ladies and Gentlemen.

My name is John Young, and I am the Director of the Queens Office of the Department of City Planning. On behalf of City Planning Director, Amanda Burden, I am pleased to be here this morning to present the Department's efforts to update zoning designations for 10 blocks located along the Austin Street and Queens Boulevard corridors in the heart of the Forest Hills neighborhood in central Queens. I am joined by Paul Philps who will present our rezoning proposal to you.

The Forest Hills rezoning proposal that is before you today culminates a more than two-year effort to work with a broad spectrum of neighborhood residents and stakeholders to develop a zoning framework that closely matches building patterns and will ensure more orderly development. The current rezoning proposal builds upon two successful lower density contextual rezonings that were adopted by the Council in 2002 and 2007 that together have protected the cherished residential character of more than 100 blocks in the Forest Hills community.

This current rezoning proposal seeks to update zoning on 10 blocks in the mixed-use commercial and residential core of Forest Hills where the designations have not changed since 1961 and are poorly attuned to the varied building scales and land use patterns that define the character of this distinct portion of the neighborhood. As Paul will further explain, the current zoning along portions of Austin Street and Queens Boulevard allows automotive repair uses to be located adjacent to residential uses and favors commercial and community facility developments under highly flexible densities and building heights. In fact, in recent years new residential development has been sought through individual rezoning requests or variance applications one of which produced a 21-story, 190-foot tall building that extends well into the midblock portion of 71st Road.

The Department's rezoning proposal seeks to curb out-of-character and haphazard development in the Forest Hills, while fostering a lively and compatible mix of uses. The proposed zoning changes would eliminate the current disparity in allowable building density between residential, community facility and commercial buildings and more closely reflect established scales of development through finely tuned contextual zoning. Two of the proposed zones are intended to reinforce the prevailing scales along Austin Street and adjacent mid-blocks with height limits ranging from 40 to 70 feet, generally 3 to 7 stories. On 3 blocks and 5 blockfronts along Queens Boulevard, a very wide street, new development would reinforce the higher built context already found here with a height limit of 150 feet.

The proposal also includes a text amendment to create a new special district that would ensure active ground floor uses, especially retail space, along portions of Austin Street and 71st-Continental Avenue, require 70 percent transparency for ground floor retail spaces, support more flexible second story commercial spaces on the south side of Austin Street and restrict the ability reduce or eliminate accessory parking by subdividing the development lot.

The Forest Hills rezoning plan has been shaped by numerous participants during its development. I want to thank the area's passionate residents and civic advocates that have taken time to provide input into this important zoning initiative, especially the Forest Hills Community and Civic Association, the Forest Hills Chamber of Commerce, Community Board 6, as well as Council Member Melinda Katz whose dedicated leadership has been invaluable to this complex rezoning process.

Following the September 22nd certification of the proposal, we are very pleased with the support received from Community Board 6, which recommended to change the parking requirements from 50% to 70% in the proposed C4-4A and C4-5X zones and to have the

supermarket at Yellowstone Boulevard and Gerard Place remain in its present location. On December 4th, Borough President Helen Marshall recommended support of the rezoning without conditions.

The Planning Commission carefully considered these recommendations as well as testimony from its public hearing and voted on January 21st to approve the proposal with a modification to allow a special permit from the Board of Standards and Appeals to facilitate the expansion of an office building at 68-60 Austin Street to remain in effect under the terms for which it was granted in 2007.

We hope that you, too, will support this well-considered initiative to reinforce the built character and development patterns of the distinct and vibrant core of Forest Hills.

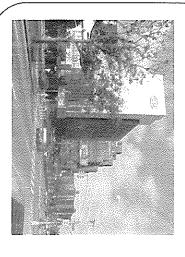
And now Paul Philps will present the rezoning proposal.

SPECIAL FOREST HILLS DISTRICT

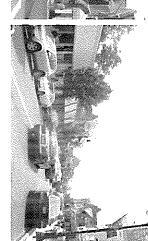
Department of City Planning

Queens Office

March 4, 2009

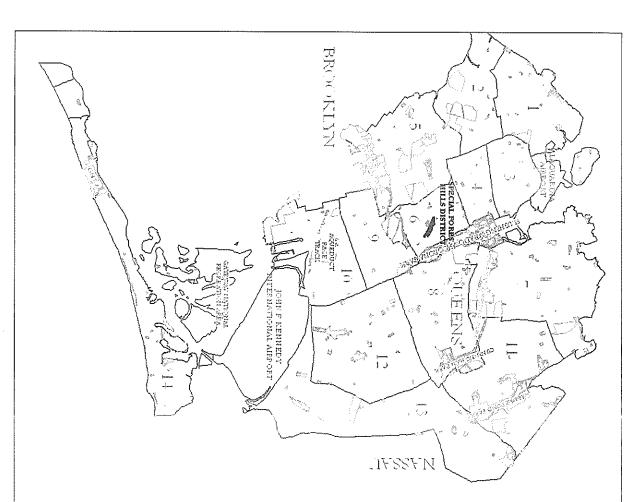




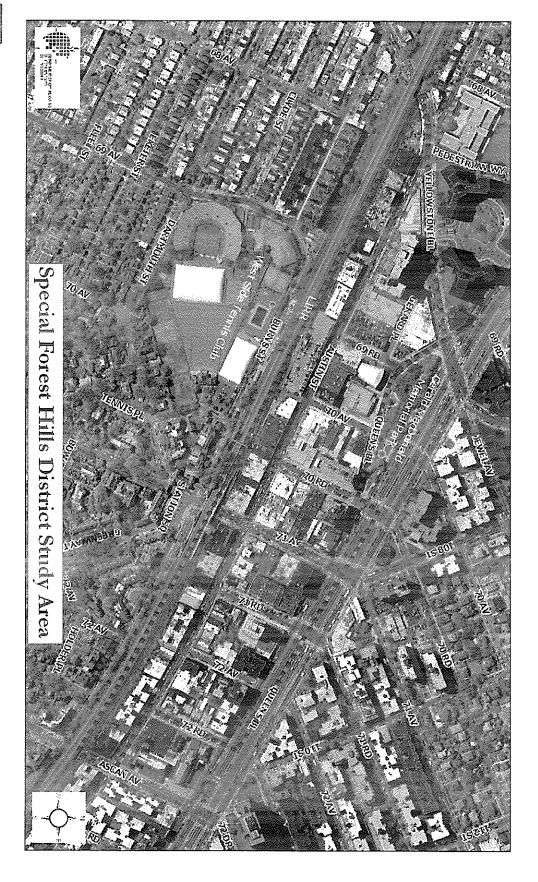




LOCATION MAP



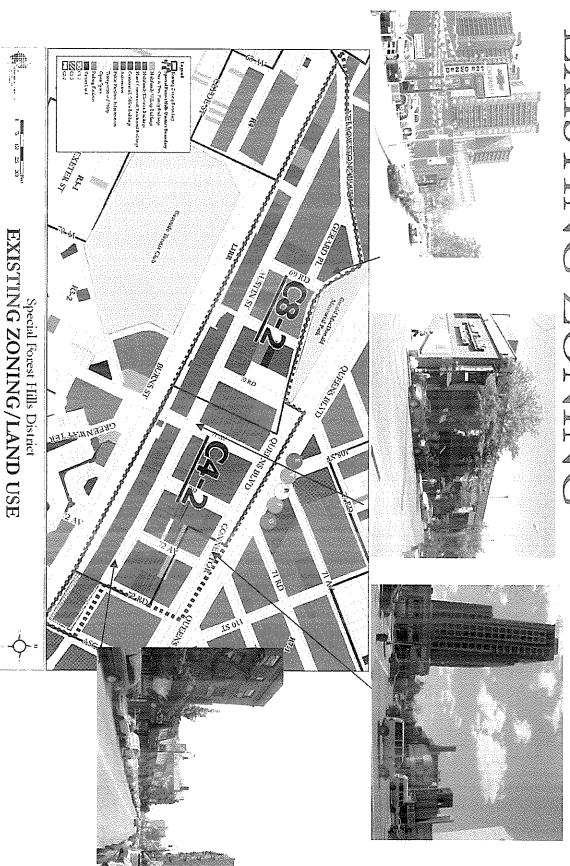
REZONING AREA



OVERVIEW

- Study area is generally bounded by Ascan Ave to the east, Yellowstone Blvd to the west, Queens Blvd to the north and Austin St. to the south
- Area has developed into a regional shopping hub with significant commercial and residential opportunities not facilitated by the current zoning
- At 71st Ave. existing zoning splits the area into two distinct eastern and western areas rather than creating a cohesive commercial hub
- Western area restricts residences and allows auto repair uses
- Eastern area allows mixed residential/commercial buildings with highly flexible building heights

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EXISTING ZONING

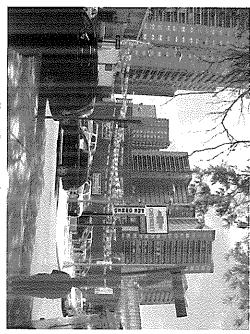
- 10 blocks currently zoned C8-2, C4-2, R7-1
- C8-2 districts have a max commercial FAR of 2.0, max community facility FAR of 4.8 and do not permit residential development
- C4-2 districts have a max residential FAR of 2.43 or 3.0 on a wide street (using Quality Housing) and allow community facility and mixed buildings of up to 4.8 FAR without a height limit
- R7-1 has a max residential FAR is 3.44 or 4.0 on a wide street (using Quality Housing) and also allows mixed buildings of up to 4.8 FAR without a height limit



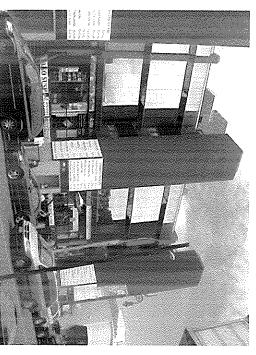




AND USE & DEVELOPMENT CONCERNS



Automotive uses allowed across from residences and park in the existing C8-2 zone



Zoning variance for taller and denser buildings - 190' residential tower in existing C4-2 zone

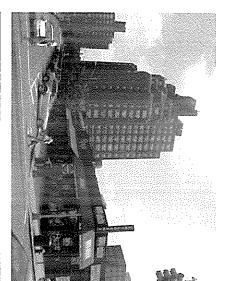
Low quality commercial development that is subdivided into small spaces to exempt off-street parking in the existing C8-2 zone

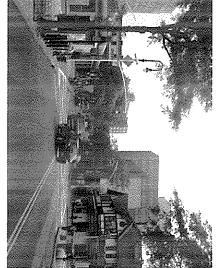
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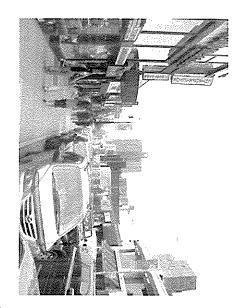
OBJECTIVES

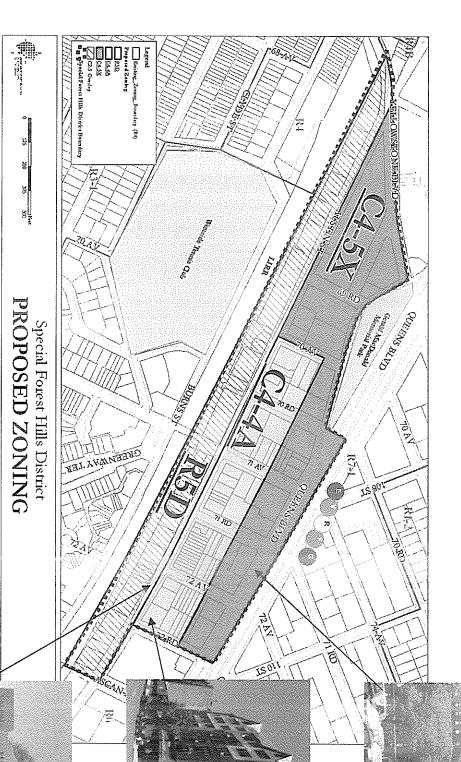
The objectives of the rezoning proposal are to:

- Provide predictable building streetwalls and heights that reinforce established contexts
- Provide a transition in scale and density from south (Austin St) to north (Queens Blvd)
- Create a unified range of uses and a cohesive commercial hub from east to west
- Promote ground floor commercial/retail development along Austin Street and Queens Blvd.









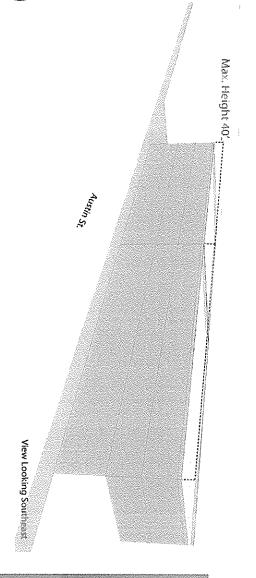
PROPOSED R5D/C2-3

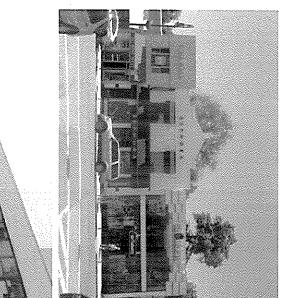
- 2.0 FAR (Commercial, Residential, Community Facility)
- 40 ft maximum building height
- *Rear Yard Waiver for commercial properties abutting the LIRR providing maximum development potential
- *Allow a range of C4 uses on Austin Street (South Side)

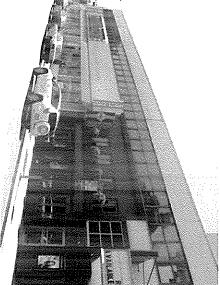
*Special District

Special Forest Hills District: Illustrative Building Form

R5D/C2-3 Max FAR 2.0









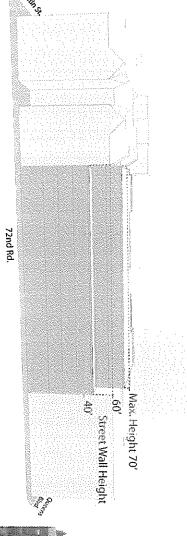
PROPOSED C4-4A

- 4.0 FAR (Commercial, Residential, Community Facility)
 *40-60 ft base height
- *70 ft maximum building height

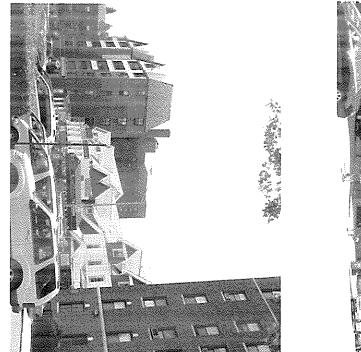
*Special District

Special Forest Hills District: Illustrative Building Form

C4-4A District Max FAR 4.0







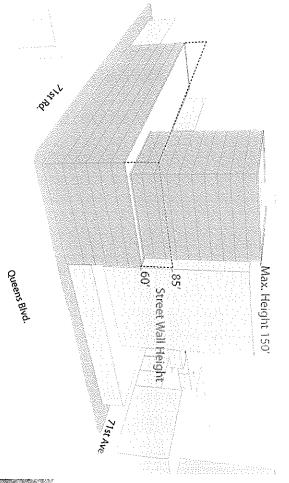
PROPOSED C4-5X

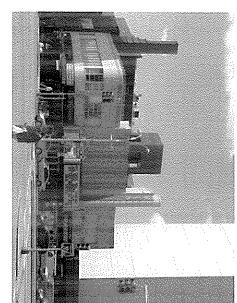
- 5.0 (Residential, Community Facility)
- *5.0 FAR for commercial uses
- 60-85 ft base east of 70th Road
- *40-60 ft west of 70th Road
- *Maximum building height of 150 feet

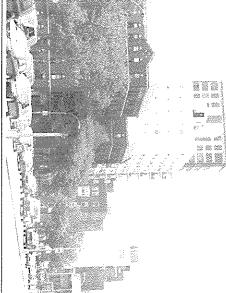
*Special District

Special Forest Hills District: Illustrative Building Form

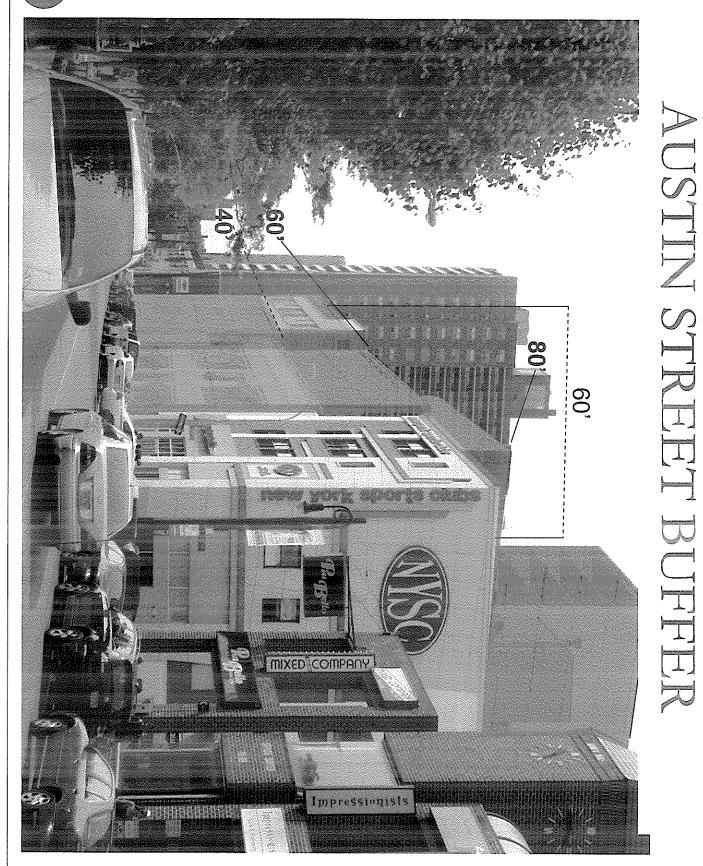
C4-5X District Max FAR 5.0

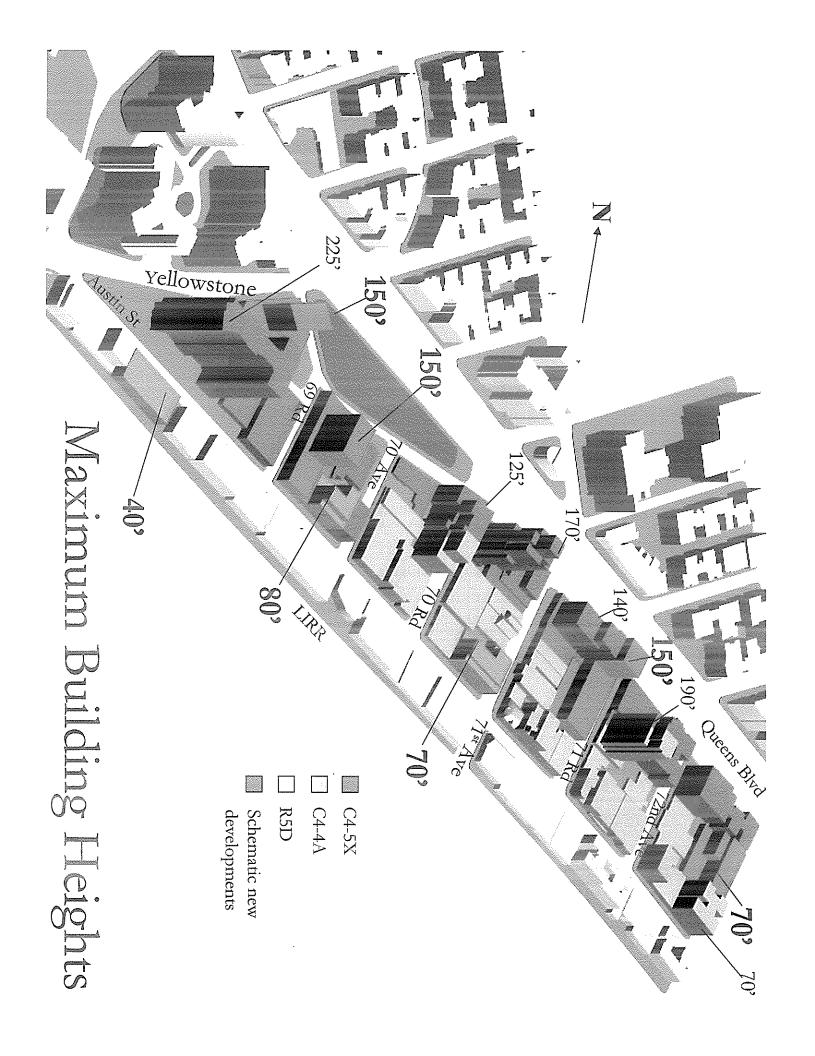






View Looking Southwest





SPECIAL DISTRICT ZONING TEXT

District and modify certain regulations of the proposed underlying zones pertaining to bulk, use, heights and setback as previously reviewed. The proposed zoning text amendment would create the Special Forest Hills

Some additional components of the district include:

- Retail continuity focused on central and eastern portion of Austin Street and
- Unenclosed sidewalk cafes permitted anywhere within the Special District except Austin Street
- Seventy percent ground floor glazing requirement for all commercial uses and fifty percent for community facility use (excluding schools)
- Curb cuts for accessory off-street parking and loading in specified locations shall not be allowed unless certified by the Chairperson of the City Planning
- CPC may grant a special permit to modify use or bulk as appropriate for developments or enlargements



Juan D. Reyes, III
Partner

Direct: t: 212.302.8260 f: 212.302.6628 jreyes@riker.com

jreyes@riker.com Reply to: New York

March 4, 2009

Hand Delivery

Councilmember Tony Avella Chair, Zoning and Franchises Committee New York City Council 250 Broadway, 17th Floor New York, New York 10007

<u>LU 0992-2009 and LU 0991-2009 – Forest Hills Special</u>

Districts in Article VIII, Queens (C090103ZRQ and

C090104ZMQ)

Dear Councilmember Avella:

The Forest Hills-Van Court Association submitted a request to Councilmember Melinda Katz's office for a reduction of height and FAR in the proposed redistricting in keeping with the character of the neighborhood.

On behalf of the Association, I would like to thank Councilmember Katz and her staff for the positive discussions we have had regarding our request, and I would like to respectfully request that the City Council consider a modified plan that reduces the proposed height and FAR. Thank you for your consideration.

Sincerely,

Juan D. Reyes, III

Testimony Re: Special Forest Hills District Rezoning

My name is Steve Reichstein. I am the President of the Forest Hills Van-Court Association, an organization of 317 homeowners living near the proposed Special Forest Hills District. I am also a planning professional. I've served in the NYC Department of City Planning, I've been the Director of New York City's Community Development Block Grant program for OMB and DGS and I currently teach city planning at St. John's University. Our organization was never consulted regarding the Special District.

I am concerned that the plan's C4-4A and the C4-5X zones allow too much development. New, expensive, 15 story, 150-foot tall buildings would eventually rise on the south side of Queens Boulevard. Overly generous height and density allowances to developers in the C4-4A and C4-5X districts will put pressure on Austin Street and subvert its character. Say goodbye to the neighborhood pizzeria, the neighborhood jeweler, the neighborhood fruit store, the remaining mom and pop stores. Say hello to the trendy, the upscale, the corporate chain store.

People tend to live and raise their families in Forest Hills because it combines the best of suburbia with the best of New York City. It is a mix of private homes and apartments, condos and co-ops. Balance is the key. This zoning proposal has the potential to destroy, through overdevelopment, that which makes Forest Hills work so well. It destroys the balance by allowing additional hi-rises on the south side of Queens Boulevard where we already have one very unfortunate example; it destroys the balance by increasing density to the point that it changes this already crowded area into a congested area; and it destroys the balance by increasingly making the neighborhood a more anonymous place. We need zoning to make Forest Hills more livable, not overly developable.

The area has not been rezoned since 1961 and needs to be rezoned now to protect it from various gigantic eyesores that have been proposed. We are all in agreement on that point. However, the City Planning Commission's proposal falls short of its stated aims. It still allows too much development. The current height proposal of 150 feet is too much. You, the City Council of New York City, have the opportunity to modify and improve this zoning proposal. Limit height to between 100 and 110 feet. This would be a 50% increase over the current zoning, but the resulting new buildings would not disgrace the skyline or loom over Austin Street like a phalanx of giant towers.

Remember, you are the elected officials; City planners are hired hands. Don't be dissuaded from reducing the height by planning personnel whispering in your ear that unless the Special District is done their way it will be a disaster. As a planner I can unequivocally state that it "ain't" true. You set policy, you call the shots, you listen to the people. Reduce the height from 150 feet to between 100 and 110 feet.

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Helen M. Marshall Queens Borough President

Joseph C. Hennessy Chairman

Frank P. Gulluscio District Manager

Gail M. Gordon ı" Vice Chairwoman

Steven Goldberg 2™ Vice Chairman

Elizabeth Anderson Vice Chairwoman - Secretary

Todd Reisman Vice Chairman - Finance

Norman Tepper, P.E. Vice Chairman - Land Use

Lvnn C. Schulman Vice Chairwoman - Scoping

Community Board 6, Queens

73-05 Yellowstone Boulevard ◆ Forest Hills, N.Y. 11375-4136 Tel.: (718) 263-9250 ◆ Fax: (718) 263-2211

E-mail: cb6a@nvc.rr.com www.queenscb6.org

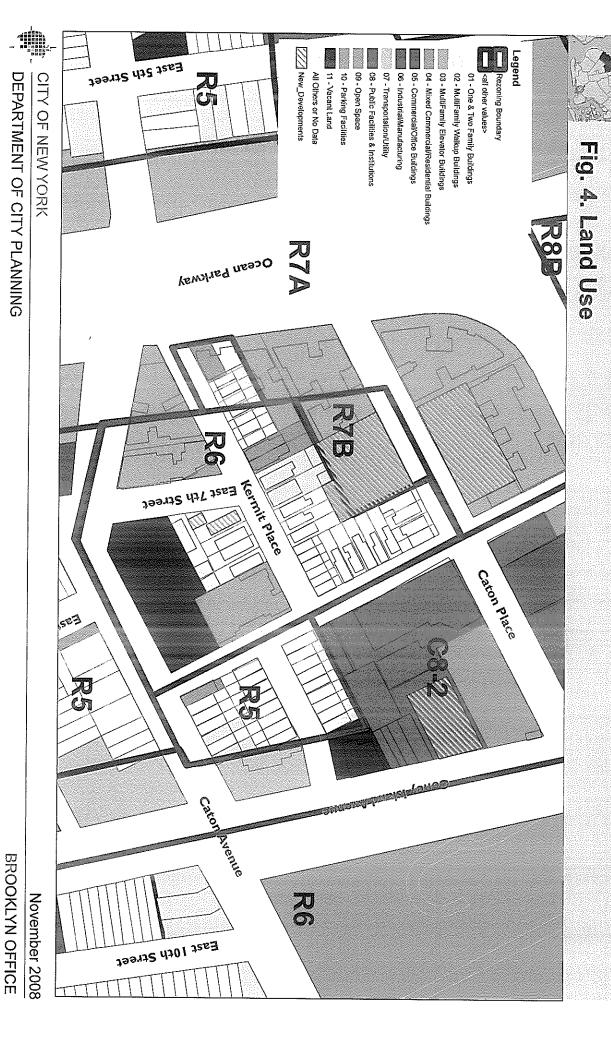


Good Morning Council Members. I would like to thank you for this opportunity to testify before you today. My name is Joseph Hennessy. I am the Chairman of Community Board 6 which includes the areas of Forest Hills and Rego Park. I am accompanied by Frank Gulluscio, District Manager.

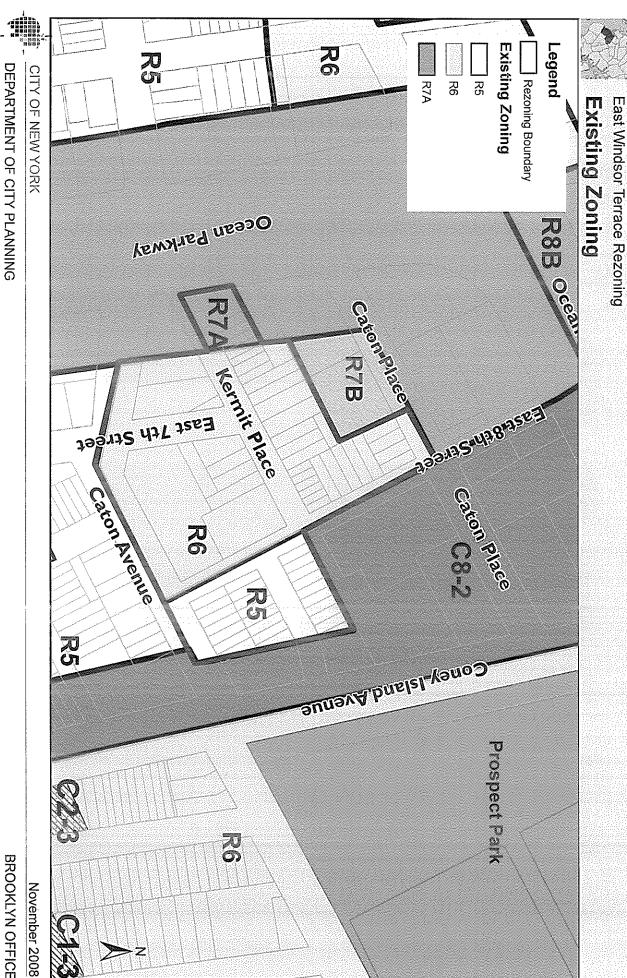
At the regularly scheduled meeting of our Community Board on October 22, 2008, Steve Goldberg, Chair, Planning & Zoning Committee said that the zoning at this particular location hasn't been changed since 1961, and this proposed zoning plan would hopefully keep future buildings more in line with the surrounding zoning.

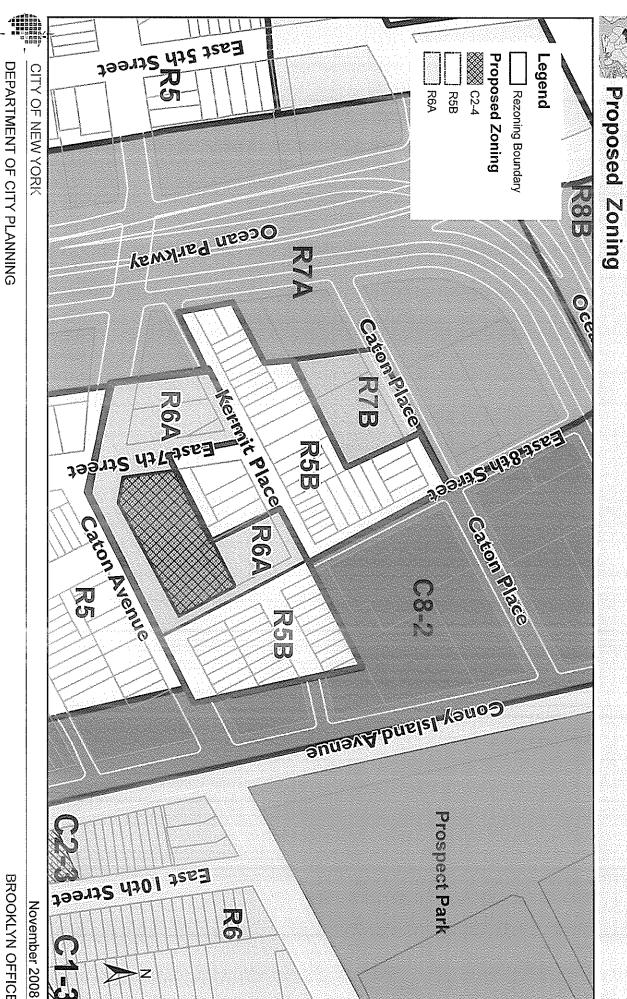
The Planning & Zoning Committee recommended approval of the Special Forest Hills Zoning Proposal with the following conditions: that parking requirements be changed to 70% and the supermarket that is already there remain at its present location.

Community Board 6 voted to approve the Committee motion 20 in favor, 4 opposed.



East Windsor Terrace Rezoning





East Windsor Terrace Rezoning

BROOKLYN OFFICE

COMMUNITY BOARD #1 – MANHATTAN RESOLUTION

DATE: NOVEMBER 25, 2008

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE: 12 In Favor 0 Opposed 0 Abstained 0 Recused PUBLIC MEMBERS: 1 In Favor 0 Opposed 0 Abstained 0 Recused BOARD VOTE: 34 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Application by the Department of Small Business Services to the

Department of City Planning for the disposition of the lease of commercial space in the Battery Maritime Building (the "BMB") rezoning and various

other zoning actions

WHEREAS: The BMB underwent a \$60 million renovation of the exterior, and not the

interior spaces, which has been completed, and

WHEREAS: In June 2007 the New York City Economic Development Corporation

(NYCEDC) conditionally designated The Dermot Company and the Poulakakos Family based on the proposed adaptive reuse plan for the interior spaces of the building, which includes the Great Hall on the second floor as a grand public space for multiple uses, and a boutique

hotel with a rooftop bar and restaurant, and

WHEREAS: Dermot has responded to transportation concerns and access issues raised

by Community Board 1, and

WHEREAS: The Battery Maritime Building will offer widened sidewalks, internal

vehicular access, and separate access for the hotel and public space, and

WHEREAS: The public space will provide a new living room for the Lower Manhattan

community, and

WHEREAS: Dermot will hire a dedicated staffer to work with the community to

provide community oriented cultural programming for the public space,

now

THEREFORE BE IT RESOLVED

THAT:

CB #1 supports this application for the following requested actions to facilitate the proposed plan:

- (1) Rezoning a portion of the BMB zoning lot from M1-4 to C4-6 so that the zoning lot is subject to uniform C4-6 district controls;
- (2) Disposition of City-owned property;
- (3) Authorization pursuant to Section 62-722 of the Zoning Resolution to allow for modification of waterfront access and yard requirements;
- (4) Certification pursuant to Section 62-711 addressing waterfront public access and visual corridors, and

BE IT FURTHER RESOLVED

THAT:

CB #1 supports the proposal that DSBS enter into a long term lease with Dermot allowing the proposed plan to be implemented.

Council Members of the Zoning and Franchises Subcommittee Tony Avella, Chair 38-50 Bell Blvd. Suite C Bayside, New York 11361

Re: 363-365 BOND STREET ULURP, Brooklyn

March 3, 2009

Dear Council Members of the Zoning and Franchises Subcommittee,

We are two residents of Carroll Gardens/Gowanus leading a community-based effort to establish an 8 story height limit on Toll Brothers 363-365 Bond Street site. While we support re-zoning to allow residential development along the canal, many of us in the community believe the development should be limited to 8 stories so that:

- It has less impact on the adjacent historic 2-4 story brownstone fabric of Carroll Gardens
- It provides necessary sunlight and open sky required for the relatively narrow publicly accessible canal-front park.

We recommend approval of the Toll Brothers application only under condition that the design be revised to 85' maximum height for the western (canal) half of the site, while maintaining the 55' street wall and 65' height limits within the eastern (Bond Street) half of the site. We have reached this position after extensive study which is summarized in the enclosed presentation booklet.

Toll Brothers' ULURP and the City's Draft Re-Zoning Proposal for the Gowanus

Given that the City's re-zoning proposal has not undergone ULURP, the Toll Brothers application, which is based on City Planning's proposal, will set a precedent for the entire area, and must be reviewed in this larger context.

A key neighborhood concern expressed often, including at the March DEIS scoping review meeting, is the appropriateness of scale of this development in context of the adjoining Carroll Gardens historic brownstone fabric and along the relatively narrow canal-front park. Toll Brothers' DEIS renderings provide an incomplete and in some cases misleading representation of the project. In addition, as this development does set precedent, it should be represented in context of the build-out of City Planning's Re-zoning Proposal. The EIS does not provide sufficient and accurate material to access these concerns:

The rendering from across the canal (Figure 1-11c) inserts the project into the existing photo at a significantly smaller size than it would appear in reality. Measured against the existing buildings in the view, the 12 story portions scale to be approximately 85' high instead of the proposed 124'-8, and they are shown narrower than they would appear in this view. The rendering also omits the elevator bulkhead which is approximately 145' high.

- Neither of the canal-side renderings (Figures 1-11a and 1-11b) includes the twelve story portions of the project giving the false impression that the project is 6 stories along the canal. Furthermore these renderings do not show future development which would likely occur at the scale permitted by the City's proposed re-zoning.
- The DEIS does not provide community requested views from Carroll Gardens.
- The DEIS does not provide shadow studies which show the cumulative impact of the 12 story portions on the other blocks, sure to be built if Toll Brother's design were approved.

We have therefore made these missing views, using an accurate balloon mock-up raised to the proposed 125' height as reference, and extended the shadow study, as shown in our presentation.

Toll Brothers' and City's Planning's Goals for the Gowanus

We support the goals of City Planning's Proposal, many of which are incorporated in Toll Brothers' proposal; including residential use, canal-front publically accessible green space, affordable housing, and a density of FAR 3.6 (inclusionary housing bonus).

We also support the City Planning Proposal's stated goals:

- Consideration of Context
- Transitions to neighborhood

Our intimate knowledge of the area leads us to conclude the City's proposal for the 'MX Waterfront South', the canal-front blocks between 3rd and Carroll Streets which include the Toll Bros site, does not meet these goals. The proposal's premise that these blocks can transition from the 2-3 story adjacent brownstone fabric to 12 stories at the canal without significantly compromising the urban quality of Carroll Gardens historic fabric is flawed. We also believe that 12 story buildings lining the Gowanus Canal would seriously compromise the quality of the relatively narrow waterfront publically-accessible park.

Our Proposal

We propose instead that the 'MX Waterfront South', which includes the Toll Brothers site, have an 85' height limit (similar to the M1-4/R7A district 80' limit proposed along Union Street and 3rd Avenue). This zoning would create a coherent urban fabric knitting Carroll Gardens with Park Slope: building heights would rise from the 2-3 story Carroll Gardens fabric to 8 stories at the canal continuing across the eastern blocks of the canal to join with the proposed, 8 story M 1-4/R7A district, then rising to twelve stories along 4th Avenue.

Our proposal would achieve City Planning's residential density of FAR 3.6 with affordable housing, and improve the canal-front publically accessible green space with better light quality. Our study shows that an 8 story limit provides plenty of room in the envelope for variation of mass – from 5 stories along Bond Street to 8 stories at the canal- and variations of unit type, including high-end units necessary to support affordable housing (for example street level duplexes with gardens, and setback duplex penthouses with terraces such as Toll Brothers North 8 project).

The 'MX Waterfront North' area, the canal-front blocks north of Carroll Street, already has a proposed height limit of 85'. Our proposal would extend the 85' Height limit down to 3'd street, knitting the canal-front together along the entire canal north of the 3'd Street Bridge.

Our proposal would provide significantly more sunlight to the park. Unlike a typical park this canal-front park can be occupied only along its sides, which typically only 40' wide. This condition greatly increases the impact of the adjacent building's shadows on the comfort and enjoyable time duration of the park. Our proposal of lowering Toll Brothers' 12 story portions to 8 stories while maintaining the remainder of their canal-front massing adds 1 ½ hours of direct sun, for a total of 8 hours on the equinoxes (Sept 21 + March 21).

Finally there is the unquantifiable but extremely important openness of sky above water—the phenomenological aspect of horizon which positively affects our sense of well-being. Carroll Gardens derives its special beloved quality from the open sky given by wide front gardens. At the Gowanus, there is water facing the sky within the urban fabric—a very special place in our city.

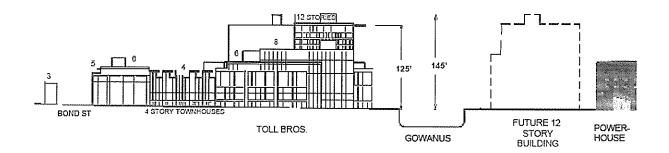
The right development will preserve its uniqueness which will in turn be a catalyst for financial success as well as good urbanism. This rare channel of water in our urban fabric, gradually being cleaned up, has incredible potential for an urban respite park (last month we met a fisherman who regularly catches striped bass form Carroll bridge!) If City Planning was to revise its draft proposal, and Toll Brothers were to revise their design, to a maximum of 8 stories, we would be advocates for the project in the community.

We urge you to visit the Carroll St Bridge to contemplate the scale of buildings proposed by Toll Brothers and City Planning's proposal along the canal. We are confident that anyone who stands at this point, from the perspective that people will experience the canal-front park rather than the bird's eye of too many planners, will conclude that 12 stories along the stretch north of 3rd street will be detrimental to the park.

Respectfully,

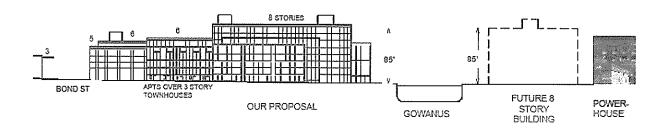
John Hatheway 268 Carroll Street Brooklyn, NY 11231

Chris McVoy 315 Carroll Street Brooklyn, NY 11231



ELEVATION THROUGH CANAL LOOKING NORTH

TOLL BROS. 12 STORY PROPOSAL



ELEVATION THROUGH CANAL LOOKING NORTH

ALTERNATIVE 8 STORY PROPOSAL IN SCALE WITH CONTEXT

TOLL BROS. 12 STORY PROPOSAL

ALTERNATIVE 8 STORY PROPOSAL IN SCALE WITH CONTEXT

Comments below in bold

>>> On 3/3/2009 at 1:20 PM, in message <C3C4DE48FAB0CC4C9B108143B3DFD493019C367F@m2.bgmm.local>, "Bashner, Richard S." <rb><rbashner@beckerglynn.com> wrote:</r>

Sorry - corrected version below (switching with/without in #3).

From: Bashner, Richard S.

Sent: Tuesday, March 03, 2009 1:13 PM

To: JENNIFER POSNER

Cc: PURNIMA KAPUR; 'Tom Gray'; 'Bearak, Richard'; 'Benguiat, Jon'; Marty Markowitz (marty@brooklynbp.nyc.gov);

'districtmanager@brooklyncb6.org'; 'ExecutiveComm@list.brooklyncb6.org'

Subject: RE: 363-365 Bond Street reports

Importance: High

Dear Jen:

Thanks!

Before I publicly circulate the information you provided below (as DCP's responses to my questions), I want to add a summary of it in laymen's terms as well, so please advise ÁSAP whether I've summarized it accurately. To be absolutely clear, then:

1. the applicant (or a future property owner) cannot build a hotel or a residential building on the site under current zoning law; The current M2 zoning does not permit hotel or residential use

2. If the applicant's applications are approved, then, without any need for further approval from the City Planning Commission (or any further rezoning), the applicant (or a future property owner) could build a hotel or residential building with zero affordable housing, with a maximum height of 125 feet on the site and a maximum base height of 60 feet; and

maximum in certain locations, 65 foot maximum building height) and site layout . Uses would be allowed pursuant to zoning, and strong incentives Any development of the site would need to be in substantial compliance with the approved drawings, which restrict the height and bulk (125 feet are in place for the creation of affordable housing.

under the proposed rezoning, the maximum FAR would be 2.0 for hotels, 2.7 for residential without affordable housing, and 3.6 for residential with under the propagionaffordable housing.

Any permitted M1 use would be permitted a maximum FAR of 2.0. Residential uses would be permitted the 2.7 FAR without affordable housing and 3.6 FAR with affordable housing

Please advise, and thanks again for your continuing help with these issues.

Best regards.

RSB

Richard S. Bashner, as

3/4/2009 9:13 AM

Chair of Community Board 6

Personal contact information - in care of: Becker, Glynn, Melamed & Muffly, LLP (work) 212-888-3033, ext. 536 299 Park Avenue, 16th Floor New York, New York 10171 fax) 212-888-0255

RSB info) http://www.beckerglynn.com/attorney.asp?langdisp=&key=130 BGMM info) http://www.beckerglynn.com/aboutus.asp (CB6 info) http://www.brooklyncb6.org/ (e-mail) rbashner@beckerglynn.com

From: JENNIFER POSNER [mailto:jposner@planning.nyc.gov]

Sent: Tuesday, March 03, 2009 12:36 PM To: Bashner, Richard S.

Cc: PURNIMA KAPUR

Subject: Re: 363-365 Bond Street reports

Richard,

While the underlying MX district does have a maximum base height of 60 feet and a maximum building height of 135 feet, the CPC-approved special permit restricts the maximum base height to 65 feet (per a waiver from the General Large Scale Development) and the maximum building height to 125 feet in limited locations. The additional 5 feet in the base height (65 feet instead of 60 feet) would provide better floor-to-ceiling heights, particularly at the ground floor. The maximum building height of 125 feet is 10 feet lower than the maximum permitted in the underlying district (135 feet). These bulk controls are reflected in the drawings, approved in connection with the special permit, as well as in a restrictive declaration that will be recorded against the property. Thus, the developer/owner could not exceed 125 feet unless it returned to the City Planning Commission to make a modification to the permit and restrictive declaration.

Hotels are not permitted in M2 districts. Hotels are permitted in the M1 district at a maximum FAR of 2.0. The residential FARs of 2.7 (without affordable housing) only apply to residential developments. Neither the Special Permit nor the restrictive declaration would restrict uses but instead govern the height and bulk envelope.

>>> On 3/2/2009 at 12:41 PM, in message <C3C4DE48FAB0CC4C9B108143B3DFD493019C3622@m2.bgmm.local>, "Bashner, Richard S. <rbox><rbashner@beckerglynn.com> wrote:

Dear Jen:

I look forward to catching up with you by phone soon, but thought that I should ask you to respond by email to my email below as soon as possible, so that I can circulate the answers. Our community will want to know, and time is growing short before the City Council takes it up....

Best regards

3/4/2009 9:13 AM.

Chair of Community Board 6 Richard S. Bashner, as

Personal contact information - in care of:

Becker, Glynn, Melamed & Muffly, LLP 299 Park Avenue, 16th Floor

New York, New York 10171

(work) 212-888-3033, ext. 536

(fax) 212-888-0255

(RSB info) http://www.beckerglynn.com/attorney.asp?langdisp=&key=130

(BGMM info) http://www.beckerglynn.com/aboutus.asp

(CB6 info) http://www.brooklyncb6.org/

(e-mail) rbashner@beckerglynn.com

From: Bashner, Richard S.

Sent: Thursday, February 26, 2009 12:31 PM

TO: 'JENNIFER POSNER'

Cc: PURNIMA KAPUR; 'Tom Gray'; 'Bearak, Richard'; 'Benguiat, Jon'; Marty Markowitz; 'districtmanager@brooklyncb6.org';

ExecutiveComm@list.brooklyncb6.org

Subject: RE: 363-365 Bond Street reports

Importance: High

Dear Jen:

Thanks for the link. Please see the attached pages from the report that you noted below, and advise regarding these follow-up questions, which are not fully addressed in the report: 1. The circled portion of the attached page 7 notes that the maximum base height in the area to be rezoned will be 60 feet and that the maximum building height will be 135 feet.

Would it be correct to say that such height limits would apply to whatever kind of development might be made on the site, even without any affordable housing, regardless of the type of use (whether or not residential - for example, a hotel)?

- Would it be correct to say that:
- (a) There is a possibility that, under the proposed rezoning, the applicant (or a future owner of the property) could build a residential building with zero affordable housing on the site, and be permitted to build with a maximum base height of 60 feet and a maximum building height of 135 feet?

of 6

- (b) Hotel use WOULD NOT permitted under the current M2-1 zoning for the site?
- Hotel use WOULD BE permitted under the proposed rezoning as a Special Mixed Use District [M1-4/R7-2(MX-11)]?
- (d) There is a possibility that, under the proposed rezoning, the applicant (or a future owner of the property) could build a HOTEL on the site (with zero affordable housing), and be permitted to build with a maximum base height of 60 feet and a maximum building height of 135 feet?
- 3. What protections, if any, do we have against these possibilities?

I understand that the lower FAR which would apply in such circumstances (and other considerations) may make it less likely that this would happen, but we don't have the technical resources to explore all potential loopholes, and it seems that it remains a possibility.

would like to circulate your answers to the questions above, to clarify the situation for our concerned community.

Best regards.

3SB

Richard S. Bashner, as

Chair of Community Board 6

Personal contact information - in care of:

Becker, Glynn, Melamed & Muffly, LLP 299 Park Avenue, 16th Floor

dew York, New York 10171

work) 212-888-3033, ext. 536

fax) 212-888-0255

RSB info) http://www.beckerglynn.com/attorney.asp?langdisp=&key=130

BGMM info) http://www.beckerglynn.com/aboutus.asp

CB6 info) http://www.brooklyncb6.org/

e-mail) rbashner@beckerglynn.com

From: JENNIFER POSNER [mailto:jposner@planning.nyc.gov]

Sent: Monday, February 23, 2009 10:56 AM To: Bashner, Richard S.

Cc: PURNIMA KAPUR

CC: PURNIMA NAPUR **Subject:** 363-365 Bond Street reports

Hi Richard,

I wanted to let you know that the reports for the Toll Brothers project (363-365 Bond Street) are now available on our website at http://a030-cpc.nyc.gov/html/cpc/index.aspx as pdf documents.

Please let me know if you have any problems accessing the reports.

3/4/2009 9:13 AM

sad Message - SmarterMail

Best, Jen

Brooklyn Office Jen Posner

Department of City Planning

16 Court Street Brooklyn, NY 11241 (t) 718.780.8282 (f) 718.596.2609

New York City Council
Zoning and Franchise subcommittee
City Hall
New York, NY 10007

Dear Commissioners:

I am writing to express our support for appropriate development along the Gowanus Canal and our concerns about the Toll Brothers project.

I have worked with the Carroll Gardens Neighborhood Association for the past few years and serve as an Executive Committee Director and co-chair of the Land Use Committee. The CGNA has determined that there is consensus in Carroll Gardens for some control over the development occuring in our neighborhood and we are acting upon that consensus.

NYC Planning has recently introduced its plan for the rezoning of the Gowanus corridor and has committed to moving forward on the contextual zoning of Carroll Gardens. This will both allow for future development and protect the character and quality of life in the neighborhood.

The Gowanus plan is a good start and shows that a great deal of thought and community input went into it including lessons learned from the Park Slope / Fourth Avenue rezoning. We are hopeful that further refinements will be made as we move through ULURP. We have a great opportunity here and we have to get this right.

Our concern over the Toll Brothers application is that we are circumventing the master rezoning process and allowing a developer to take the lead on how the Gowanus will look and work. While their plan has some wonderful aspects, it is the first one they presented. We should not be so quick to accept it without community input. It can be better.

We should not forget that, while we don't own the property, we, as citizens, do own the right to rezone the land and increase its value. This right and this value have too often been undervalued. Since we, as local residents, will have to live with the results, we should not allow developers, with only a profit motive to guide them, to hijack the planning process. The Gowanus plan will undergo changes and improvements which should apply to all of the development there in order to get the best result and one which we can all be proud of.

Glenn Kelly

Carroll Gardens Neighborhood Association

To: Members of the New York City Council Hearing, March 4, 2009 Re: Zoning changes requested by Toll Bros. for 363-365 Bond Street, Brooklyn, NY 11231

CB 6 Land Use Committee Continued Discussion and Formation of Recommendation for ULURP Nos. C090047ZMK and C090048ZSK, 363-365 Bond St., also known as the Toll Brothers Site on the Gowanus Canal

Statement from Diane D. Buxbaum, MPH

365 Sackett St., Brooklyn, NY 11231

The City of New York, and all coastline cities in the United States need to become more aware of the future that we face. Even if we could say that things would not be worse than they are now, we must plan and develop for the reality that we face. Every scientist, geologist, meteorologist that I have heard and read in the last 4 plus-years paints the following picture:

The Sea Level is rising. The ice sheet melt in significant areas such as Greenland, Iceland, the Antarctic is much faster than previously predicted.

The temperature rise is happening more rapidly than previously predicted with associated more irregular weather patterns than before. There are feedback mechanisms that make the temperature equilibrium more susceptible to change than earlier.

What was the 100 year storm, the 100 year flood (and these are two different events) are no longer predicted to happen once/100 years as was proposed earlier. It has been proposed by some scientists that these events may happen as often as once per 20 to 30 years. Some have said even once per 10 years. And this is just a statistical prediction—the storm/flood could happen in December 2008. And, of course, we realize that if it happens in December, the statistic does not mean that it could not take place in January, 2009. It is just statistically less likely.

The City of New York, the State of New York, and even the United States should be making wetland restoration its primary focus for all coastal areas.

In the spring of 2007 from many days of continuous rain there was flooding on Sackett St., 2nd Street, 9th Street and elsewhere. Had wetlands been in place this would not have occurred.

This August, for the first time in over 20 years in the Penobscot Bay area in Maine there was a hurricane watch.

And none of us will forget Katrina and Rita. The wetlands in the areas where these storms did the greatest damage were gone.

The Army Corps of Engineers classifies the Gowanus Canal area as a wetlands, and has supported wetlands restoration in its studies of the Canal.

Eva Hanhardt, is a planner, who is presently teaching graduate programs at Pratt. She has been instrumental in supporting sustainable planning. In a presentation at a Community Board cosponsored with the New York City Group of the Sierra Club of the Upper West Side with City Councilman Daniel Garodnick, active on infrastructure issues in the City Council, Eva Hanhardt made a strong plea for wetland restoration around all of the coastal and river borders in New York City. Her presentation made the case for the need for wetlands to protect the City from the storms and flooding associated with climate change and current greater rainfall in the region.

Professors Malcolm Bowman of SUNY Stony Brook and Vivian Gornitz of Columbia University both have excellent presentations—given at the NY Academy of Sciences and elsewhere of what the City of New York faces when storm surges hit us. It is quite terrifying to see. James Hansen, one of the most respected climate scientists in the world (the one that Bush tried to gag by having his presentations

censored), Cynthia Rosenzweig of NASA Goddard Institute and others have all told us that major storms are inevitable in our future, as well as sea level rise.

As of October 1, 2008, the State of Maryland has a bill that has gone into effect, House Bill 973, that makes Living Shoreline preferable to stabilization to protect the Maryland shores. It also has a bill that makes it responsible for building owners to keep a constant space between the shore and their structures. This becomes difficult with sea level rise.

What does it take us to realize that wetlands restoration should be what we are doing, not burying ourselves in our own exacerbated floods and storm surges. EPA and COE have a Wetlands Compensatory Mitigation Rule. Maybe we, in New York City, can become a pilot project, and example for all coastal communities, and start a program that we must begin. This rule became effective March 31 of this year. Let us at least look at it, and stop this destructive development race to destruction. A Land Conservation Conservancy would be an ideal organizational structure to establish land preservation for such purposes.

We could become one of the first, if not the first major urban area wetland restoration and show that it can be done. We must not build next to the Gowanus Canal.

Response to specific DEIS Items:

The entire DEIS is promulgated on a false premise: It complies with the predicted 100 year flood/storm. The scientist listed above challenge that assumption, as do many others. <u>DEC allows predictions to be based on the 1988 40 inch rain fail. Almost every year since then has been much higher. Recent years have been 50 to 60 inches. Thus all statements made in this DEIS are false and not based on current reality!</u>

No Build Alternative in the DEIS should be the alternative of choice:

Public Access: With wetland restoration all would be accessible by boat or floating walkways, not just 2 blocks by 40 feet.

Contaminant Mitigation: Any major construction will release contaminants. Wetlands restoration will naturally remove contaminants. This has been show to occur in a variety of places including superfund sites.

If building does occur and the Carroll Gardens/Gowanus Canal area is flooded, there will be serious socioeconomic damages.

No Build here and elsewhere in the area does contribute to excellent open space restoration, habitat restoration, increases in terrestrial and aquatic and avian biota. Shadows which have been stated to be insignificant, and which is not true in a functioning aquatic system, will not be a problem.

De minimis wetlands impact is also untrue unless there is not build and wetlands restoration.

The public health issues are based on the assumption of the integrity of all of the impermeable, impervious membrane and barrier structure to remain intact. In fact, this area has homes that are over 100 years old. What proof do we have that these protective structures will even last 50 years. None. With the No Build Alternative, we do not have to worry about contaminant exposure.

In the build proposal the storm water runoff projection is patently false. All of storm water at high tide will be dumped into the canal because of the structural reality of the proposal.

Please do not approve the zoning changes requested for this site. Understand that we must protect our citizens and our neighborhoods. Granting this will not protect anyone.

I am not optimistic that my wish will be granted. At a minimum, if nothing else, please consider what Borough President Marty Markowitz requested on January 22 (attached below) for modifications such as building height limitations, accessible open space, affordable housing, removal of environmental hazards, and modifications of the existing sewer system to protect existing local residents.

Thank you.

Diane D. Buxbaum

Brief list of references - wetland values.

Ming, J. et al 3/1/07 Ecological Economics <u>61</u>(2-3):217-223 Flood Mitigation of Wetland Soil, Case Study.....China.

Potter, K.W. University of Wisconsin 1994, Estimating Pollution Reduction Flood Benefits of Restored Wetlands

USFWS National Wetlands Inventory: Wetlands function as surface water storage, flood control, shoreline stabilization.

Geotimes, August 2007, Urban Wetland Restoration, Creating Room to Grow.

The Ramsar Convention, which had its first meeting over 30 years ago in Iran, and which has as of this month 158 signatories, including the United States, has as its focus the protection of wetlands worldwide.

Loss of wetlands leads to loss of storm protection services

- Storm surge protection from friction and absorption
- Wave height reduction by causing waves to touch bottom earlier and break
- Soil retention by lowering water velocities

Implications of loss of storm protection services

- Damaged barriers against extreme weather events
 - o Increased flooding
 - o Increased damages due to storms



January 22, 2009

BP MARKOWITZ STATEMENT ON TOLL BROOKLYN APPLICATION FOR GOWANUS CANAL DEVELOPMENT

On **December 17, 2008, Brooklyn Borough President Marty Markowitz** submitted his recommendation to approve, with modifications, the applications by Toll Brooklyn to develop two blocks along the west side of the Gowanus Canal between Carroll Street and 2nd Street. Chief among his recommendations were the reduction of height and more certainty that the development would include affordable housing units. Specifically, the borough president called for the building height not to exceed eight stories north of 1st Street, and that the affordable housing component be enhanced by a commitment to seek State funding through multiple application cycles prior to seeking building permits.

The views of the proposed project from the Carroll Street Bridge strongly justify a reduction in building height. The historic bridge is envisioned by the borough president as an essential component of the anticipated open space system along both banks of the Gowanus Canal. The height along the Canal must be carefully contemplated in terms of the future users of this open space system. Limiting height on this block to eight stories would eliminate views of the project from within the Carroll Gardens Historic District along Carroll Street.

Though development would result in publicly-accessible open space and the removal of environmental hazards from the site, the borough president believes that these factors by themselves do not justify approving this project. In the past decade, Carroll Gardens has evolved into a highly desirable neighborhood. As more affluent households have moved in, long-time residents that do not own their homes have been displaced, or are finding it more challenging to remain in the neighborhood. Many rental apartments in this area are not protected by rent stabilization, which at times is not sufficient to keep rent within the means of certain households.

In order to appropriately provide opportunities for displaced residents to return to the neighborhood, and for those at risk of being displaced, it was very important to the borough president that Toll's commitment to building the affordable housing be strengthened. The borough president believes the project would provide an even greater benefit if the affordable housing on both blocks includes three-bedroom units for families in need of such housing. The borough president also called for retail and commercial gallery/artisans along the Gowanus Canal publicly-accessible open space as a way of enhancing the potential for the recreational amenity as a community congregation area.

Finally, the borough president expressed concerns in his recommendation about the condition of the Bond Street combined sewer interceptor and susceptibility of neighboring residents to sewer backups and flooding. The borough president believes that the residents and property owners of these buildings should not continue to be victims of a malfunctioning sewer. To that end, he has written the DEP Acting Commissioner urging an expedient solution to the hardships of these residents.

BP Markowitz commends Toll Brothers for investing in Brooklyn's future and urges them to accept his modifications.

Testimony of Ken Baer 91 6th Avenue Brooklyn, NY 11217

I am testifying in opposition to the rezoning of 363-365 Bond Street.

The proposed rezoning of 363-365 Bond Street would allow for residential development in an area that is grossly polluted. The Gownaus Canal area is a massive brownfield, and an immediate health hazard. The clean up of the 2 lots owned by Toll Bros., in and of itself, will not protect the residents of this proposed project. The Toll Bros. project is not in an environmental bubble protected from the rest of the contamination in the area.

The presumption by pro-development parties, that once residents are settled into a project along the Gowanus Canal, that the canal and the adjacent brownfield lots will be magically cleaned, is wishful thinking at best. The Gowanus Canal area must be cleaned of all pollutants before any rezoning occurs.

I call upon the City Council to initiate a health study, to determine if there are any cancer clusters in the Gowanus area. This information is needed before any intelligent decision is made that would allow people to populate the area around the canal. Not to have this knowledge, and to proceed with the rezoning of the area, is taking a big gamble with the lives of children, adults, and the elderly.

As responsible citizens, we must resist the temptation of indulging in instant gratification. We must be patient and go forward with the reclaiming of the Gowanus Canal area in an intelligent and careful approach. When it comes to the health of human beings we must be diligent in our assessment of facts, and not get carried away with our most positive desires, if they are not prudent.

Please reject these rezoning applications until a health study has been completed and the Gowanus Canal area has been decontaminated.

Thank you.

TO: Zoning Committee of City Council, the City of New York

RE: 363-365 Bond St.

March 4, 2009

I am here on behalf of my neighbors who together formed the Friends of Bond out of our deep concerns about the proposed Toll Bros. development. I have been living on First St. between Hoyt and Bond for the last 11 years, raising a family and making a life in my beloved Gowanus Community. My children have all attended a public school on Carroll Street just a few blocks away from where we live. Our walking route to school has taken us over the Carroll Street bridge each day. Though I'm no expert, I have seen first hand what happens to the canal- how on a day of heavy rain the water comes within a few feet of the bridge. How when the flushing mechanism breaks down- which is often- the sewage and debris build up (not to mention the smell) within a matter of hours. How on a "good" day, we marvel at seeing schools of minnows and crabs swimming just below the surface, rare birds and even a family of ducks swimming by... On a small, immediate scale, we can see with our own eyes both the ravages and possibilities contained in the Gowanus Canal.

My neighbors and I have come together because we want to see our community developed in ways that address the real needs of those who live and work in this community, this city- along with the real needs of future residents- rather than those who profit from us. When the Toll Bros. propose a project that is completely out of context with the existing historic brownstones and industrial buildings of the Gowanus area, one has to look at the underlying motivations. When the added component of 'affordable housing' is used as a justification for going ahead with immediate construction apart from considering the many environmental questions and infrastructure demands a large scale building demands- one has to wonder whether this isn't simply a carrot being thrown to us in the ultimate interests of the developers and the politicians serving them. This is particularly true when we now find out that affordable housing is far from confirmedthat it will depend on the Toll Bros. applying for state subsidies in a time of severe budget restrictions. What will happen if those promises of affordable housing don't come to fruition, a strong possibility given the recent economic climate? Will the proposed size of this project change? We're told no. Instead, we're left with over-sized, twelve story towers filled with condos set at market prices that no one can afford. Towers that create shadows along the fragile eco-system of the Gowanus Canal and create a new view forever altering a place of historic significance. Shadows in an area that was unique precisely because of its abundance of light and sky, its small scale and small neighborhood feel- the very things attracting residents and new investment.

But what my neighbors and I are most concerned about is the fact that when we raise the issue of toxic pollutants and the necessity of cleaning up the Gowanus Canal before construction can begin we're told that this can only happen if we let the Toll Bros. build. We're told that intelligent and transparent decision-making for zoning of the entire Gowanus area, with consideration of the fact that we're in a serious flood plain in a time of global warming and rising waters is not pragmatic. My neighbors and I who suddenly became active around these important civic, public issues- who were compelled to take action- have experienced that our statements and concerns fall on deaf ears time and time again. Are we frustrated and angry? You bet we are.

So where does that leave us? We've come to you today feeling like this is our last chance to be heard. Like this is the final moment for our elected city officials to payl attention to the real issues facing our broken environment and to the people affected by it- to our children and their children's children.

When we leave here, we will go back to our jobs, our homes. We will check if the sump pumps in our basements (illegal but absolutely necessary) are still working for the next heavy rain fall- you see, we've been trying to tell you about the small lakes that form at the end of our blocks and the 3 inches of water that flow into our basements due to a sewage and storm system in great disrepair. And we will go back to our kids and look them in the eye and have to tell them how our elected officials responded. How when faced with planning for the future, when deciding what development should really look like- a development that is truly about creating affordable housing, that is committed to creating a "green" environment, that respects the significance and scale of a historic industrial and brownstone area, that this committee finally did the right thing. That this committee listened and considered- truly considered- the voice of this community. Is that what we will be able to say to our children?

Thank you for your time.

Lizzie Olesker

Kachel Yanaa SEIU Local 32BJ rep

Toll Brothers Testimony 3.4.2609

I am here today to voice my strong support for the Toll Brothers City Living development along the Gowanus Canal.

This project is a model for responsible development in our neighborhood. The project addresses the needs of the community in many ways. It goes beyond traditional affordability requirements by providing 30 percent of the residential units at various affordable rates.

It makes the historically inaccessible waterfront open to the public, offering public space that will benefit the whole community.

Another major public benefit will be the improvements to the neighborhood's environmental infrastructure. Those who live in the neighborhood are all too familiar with the problems that occur when there's flooding, and the impact on our homes and the Gowanus Canal—specifically the sewage issues. The Toll project will actually help this situation by taking more wastewater out of the system than they're putting in.

The development will also generate numerous jobs both during and after construction. Toll Brothers recognizes the need for these jobs to pay good wages and provide benefits for workers and their families. Their commitment to creating good permanent jobs, many of which will be held by people who live in the community, sets a precedent for future development in the area.

Responsible development in Brooklyn is crucial. Toll Brothers ambitious plan has demonstrated their commitment to the Brooklyn community. We hope the you recognizes the benefits of this project and ensure that it succeeds.

Sheelah Feinberg, Treasurer Susan Kent, Secretary Elaine Young, Assistant Secretary

Brad Hoylman, Chair Jo Hamilton, First Vice Chair Bo Riccobono, Second Vice Chair Bob Gormley, District Manager



COMMUNITY BOARD NO. 2, MANHATTAN

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FULL BOARD MINUTES

DATE: June 19, 2008

TIME: 6:00 P.M.

PLACE: NYU Silver Building, 32 Waverly Place, Room 703

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

Item #20. Gallo Nero, Inc., d/b/a/ Ciao, 185 Bleecker St., Block: 540; Lot: 43; Police Precinct: 6; with 11 tables & 22 seats, DCA# 1099505.

Whereas, the area was posted, contiguous neighborhood associations alerted by e-mail, there were community members present and the applicant Marcello Assante Pecu Pulo was present, and,

Whereas, there is lot frontage of 50.42' and lot depth of 75' (MacDougal St.) of which the sidewalk café occupies 14' and 33.5' respectively where the establishment resides in a building built in 1904, with six stories and 25 residential units and classified as Mixed Residential and Commercial Building in an R7-2 zone with a commercial overlay (Zoning Map #: 12A), and there is no C of O on file, and

Whereas, there were numerous community complaints regarding the amount of actual space this sidewalk café was occupying as opposed to the space their permit allowed, and,

Whereas, this Committee observed that the tables were not configured as the filed plans indicated, and,

Whereas, this Committee observed that the MacDougal St side left 6'6" of pedestrian right of way, and,

Whereas, the Bleecker St. side did not have sufficient clearance from the firebox, and,

Whereas, all of these conditions were explained to the applicant and a DCA inspection was made,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends APPROVAL of the renewal App. For revocable consent to operate an Unenclosed sidewalk café for Gallo Nero, Inc., d/b/a/ Ciao, 185 Bleecker St., Block: 540; Lot: 43; Police Precinct: 6; with 11 tables & 22 seats, DCA# 1099505 **CONDITIONAL UPON:**

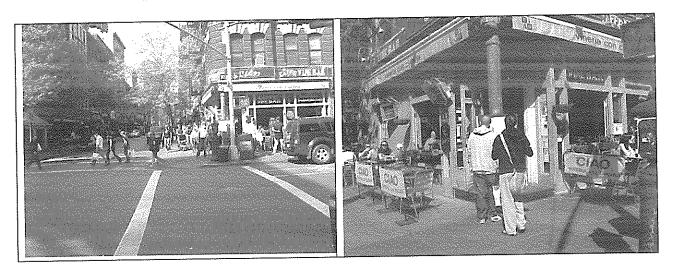
- The permanent provision of 8' pedestrian right of way on Bleecker and MacDougal Sts.
- The submission of accurate plans, with this resolution, forwarded to DCA.

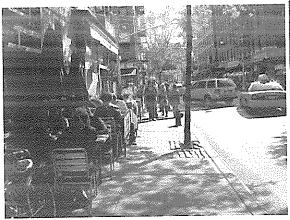
Vote: Unanimous, with 40 Board members in

21. Gallo Nero, Inc., d/b/a/ Ciao, 185 Bleecker St., with 11 tables & 22 seats, DCA# 1099505

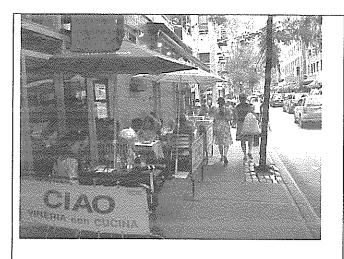
Held over from May -Gallo Nero, Inc., d/b/a/ Ciao, 185 Bleecker St., Block: 540; Lot: 43; Police Precinct: 6; Lot Frontage: 50.42 feet; Lot Depth: 75 feet; Year built: 1904; Number of floors: 6; Residential Units: 25; Landuse: Mixed Residential and Commercial Buildings; Zoning: R7-2: Residential; Commercial Overlay: 0; Zoning Map #: 12A with 11 tables & 22 seats, DCA# 1099505.

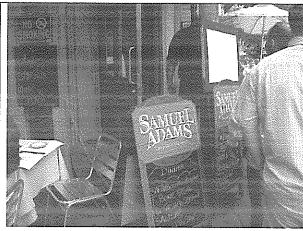
- No C of O on File
- Tables not configured as drawings indicate
- MacDougal clearance 6.5'
- Bleecker Clearance from light and Firebox less than 7'
- No Service aisle













App. to Department of Consumer Affairs for Newsstands at: See Astor Place Rennovation Plan Pages

22. Southeast Corner Cooper Square & Astor Place, DCA# 1281783 See Astor Plan. Also received objection from 8th St. BID

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I represent: Manhattan Borough President Stringer
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Address: 1 Cantel St.
Address: Carta St. Please complete this card and return to the Sergeant-at-Arms

Appearance Card
I intend to appear and speak on Int. No. 1003/004 Res. No.
I intend to appear and speak on int. No. 100 100 1 Res. No
□ in tavor □ in obhosicion
Date:
(PLEASE PRINT)
Name: VMIMI Kayorgetsky
Address:
I represent: ETOH Brothers - ELM
nin Rodin NY NI
Address: 201 Sroadway, 4114
Please complete this card and return to the Sergeant-at-Arms
THE COUNCIL
THE COUNCIL
THE CITY OF NEW YORK
THE CITY OF NEW YORK Appearance Card
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I intend to appear and speak on Int. No. 1001 Res. No
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Appearance Card
I intend to appear and speak on Int. No. 1003 Res. No.
in favor in opposition
Date: 3-4-2009
(PLEASE PRINT)
Name: Slevin Rolls
Address: 257 Corroll St BK 1/23/
I represent: Carmil Condous Neichburhood Assn
Address:
Please complete this card and return to the Sergeant-at-Arms
THE COUNCIL
THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No. 1003/00 Res. No.
in favor in opposition
Date:
(PLEASE PRINT)
Name: Spencer Outus
Address:
I represent: Brothers Development Partners
Address: Tulton St NYNY
Address:

Appearance Card
I intend to appear and speak on Int. No. 992 Res. No In favor in opposition Date: 3409
Name: JOHN YMNC
I represent: DCP QUEENS
Please complete this card and return to the Sergeant-at-Arms
THE COUNCIL THE CITY OF NEW YORK
I intend to appear and speak on Int. No. 1006 Res. No Date: 3 4/09
Name: Signs in Spinkft Address: I represent: Historic Districts Council Address: 232 Ell St Ay 10003
Please complete this card and return to the Sergeant-at-Arms

Appearance Card 1006
I intend to appear and speak on Int. No Res. No
in favor in opposition
Date: 3 4/09
Date:
Name: VONATHAN MARVEL Address: I represent: A TIME EATTERY MARITIME Address: DERMOT BUILDING
Address: MYS HUDSON STREFT
& FME PATELY MARITIME
I represent:
Address: DERMOT BUILDING
`
Please complete this card and return to the Sergeant-at-Arms
THE COUNCIL BAHLONG THE CITY OF NEW YORK PHALLING
Appearance Card
I intend to appear and speak on Int. No Res. No
in favor in opposition
Date: 34/29
(PLEASE PRINT)
Name: MIGHE MUITS
Name - N. A.J. 178 ASA & D. U. 113 A. A. D.
of translations of the same of
Address: FINCA Franc Hums Shaver & Japonson
Address: FINED Frank Humas Shaven & Japonson
Address: FINCA FRANCHUMS SMAYER & JANDONSONS I represent: DUMPH EMPLLC
Address: FINED Frank Humas Shaven & Japonson

	Appearance Card
T :	appear and speak on Int. No. 992 Res. No.
i intena to	∏ in favor ☐ in opposition 1
	3 4 69
	Date:(PLEASE PRINT)
Name:	PAUL PHILPS
Address:	DOP GUBENS
I represent	: DUP OUBCUS
Address:	
A D	lease complete this card and return to the Sergeant-at-Arms
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Name:	THE CITY OF NEW YORK Appearance Card o appear and speak on Int. No. 1003 (Res. No
Name:	THE CITY OF NEW YORK Appearance Card o appear and speak on Int. No. 1002 Res. No. in favor in opposition Date: (PLEASE PRINT)
Name:	THE CITY OF NEW YORK Appearance Card o appear and speak on Int. No. 1003 Res. No. in favor in opposition Date: (PLEASE PRINT) NAVID MAGAMI THE CITY OF NEW YORK Appearance Card Res. No. Page 100 Print Res. No. ALID MAGAMI THE CITY OF NEW YORK Appearance Card Res. No. Page 100 Print Res. No. ALID MAGAMI THE CITY OF NEW YORK Appearance Card The City of New York Res. No. Page 100 Print Res. No. Appearance Card The City of New York The City of New York Appearance Card The City of New York The City of New York

Appearance Card
I intend to appear and speak on Int. No. 1005 Res. No in opposition
Date: 0 1 9 7
Name: Buxhaum Diane D
3/8 C 11 Ct. 12 V/11/1172/
Address: 365 Salxe # ST. BRLD 11231
I represent: Selff Sierra Club NYC Group
Address:
Please complete this card and return to the Sergeant-at-Arms
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THE COUNCIL
THE COUNCIL THE CITY OF NEW YORK
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THE CITY OF NEW YORK Appearance Card
THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 100 1000 Res. No
THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 100 per Res. No
THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 100 1000 Res. No
THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 163, 1004 Res. No. in favor in opposition Date: 5/4/89
THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 100 1001 Res. No
THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 100 1001 Res. No. in favor in opposition Date: 5/4/09 (PLEASE PRINT) Name:
THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 100 1001 Res. No. in favor in opposition Date: 5/4/109 Name: 4/00 12+h 3+ # 3

Appearance Card 998/499
I intend to appear and speak on Int. No. Res. No Res. No
Date:
Name: MELVYN MAHON Address: 224 W. Both St. 1206
Address: 224 W. 30th St. 1206
I represent: N7, N9 10001
Address:
Please complete this card and return to the Sergeant-at-Arms
THE COUNCIL THE CITY OF NEW YORK
Appearance Card 998
I intend to appear and speak on Int. No. W. 99Res. No
(PLEASE PRINT)
Name: Zella Nones
17 Bleecher St.
& Bn Manhatlan
Address: 3 Was any ton So Villa (=
Please complete this card and return to the Sergeant-at-Arms

Appearance Card 988
I intend to appear and speak on Int. No Res. No
Date:
(PLEASE PRINT)
Name: MARCELLO ASSAWTE
Address: 185 BLEECKER
I represent: GAZZO WERO INCCIA
Address:
Please complete this card and return to the Sergeant-at-Arms
THE CITY OF NEW YORK Appearance Card 999
The New York No.
I intend to appear and speak on Int. No Res. No in favor
in favor in opposition Date:
In favor in opposition Date: PETER MESKOURTS
In favor in opposition Date: PETER MESKOURTS
Name: In favor In opposition
Name: Na

Appearance Card
I intend to appear and speak on Int. No. 1003 (000) Res. No.
Date: 3 4 09
(PLEASE PRINT)
Name: Marcle Kesuer
Address: 1177 6 Ave
I represent: Luciul Leur 10/2. Toll
Address:
Please complete this card and return to the Sergeant-at-Arms
THE COUNCIL THE CITY OF NEW YORK Appearance Card
I intend to appear and speak on Int. No. 1003,04 Res. No in favor in opposition
Date: 3 4 09
(PLEASE PRINT)
Name: DAVID VON SPRECKELSON
Address: ONE MAIN ST BROOKLYN, MY
I represent: TOLL ESCOTAGES
Address: 10 COURT ST BROOKLYN, NY.
Please complete this card and return to the Sergeant-at-Arms

Appearance Card
I intend to appear and speak on Int. No Res. No
. Date:
(PLEASE PRINT)
Name: Steve Keichstein
Address: 7/-35 JUNO ST
I represent: Forot Ailb VAN Court Assoc
Address: 2 PO Box 113754
Please complete this card and return to the Sergeant-at-Arms
THE CATINATE
THE COUNCIL
THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No. 991
in favor in opposition
Date:
Name: An Revenue
Address: Forest Hills Van Court Association
I represent: Van Court
Address: FORTH HILL NY 1875
Please complete this card and return to the Sergeant-at-Arms

Appearance Card
intend to appear and speak on Int. No. 1003-5 Res. No.
in favor in opposition
Date: 1/21,4,69
(PLEASE PRINT)
ime: Sundy Scotto
Idress: 106 1st Pl. Biklyn.
represent: Camult Gardens Hosse. Inc.
Idress: 201 Column hia St. XX Ego
Please complete this card and return to the Sergeant-at-Arms
THE COUNCIL BALLACT THE CITY OF NEW YORK VLVRT Appearance Card
intend to appear and speak on Int. No Res. No
Date:
ame: PD METERSE PRINT)
ddress: 55 LIDE/IFI St., 170
ddress: represent: ddress: Please complete this card and return to the Sergeant-at-Arms

Appearance Card
I intend to appear and speak on Int. No Res. No Res. No.
⋈ in favor □ in opposition
W/ Moderication Date: MARCH 4, 2009
(PLEASE PRINT)
Name: BROOKLY, J. BOROUGH FRESIDENT MOTI MARKHITZ
Address: 209 Joralena Street
I represent:
Address:
Please complete this card and return to the Sergeant-at-Arms
MITTO CONTINUE
THE COUNCIL
THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No.991/992. Res. No.
in favor in opposition
- Date: 3/4/09
(PLEASE PRINT)
Name: WIANE ELKAN
Address: 50 INGRAM ST FOREST HILLS N
I represent: WOMEN'S CLUB OF FOREST HILLS
Address: 15 BORAGE PL, F.H. NY. 115T
.
Please complete this card and return to the Sergeant-at-Arms

THE	CITY OF NEW	YORK
Toll Bros.	Appearance Card	
	l speak on Int. No.	
•	Date: _	3/4/09
Name: Rok Address: POB	(PLEASE PRINT) 23365	91)
I represent: BKO	un Pros. (Sunci/
Address: Som		
Please complete	te this card and return to the S	Sergeant-at-Arms
THE	THE COUNCIL CITY OF NEW Y	TOLL Brus
	Appearance Card	
I intend to appear and	speak on Int. Noin oppositi	Res. No on 3/4/09
	(PLEASE PRINT) MARCHES COM ST BK	
I represent:	<u> </u>	
Address:		
Please complete	e this card and return to the S	ergeant-at-Arms

THE COUNCIL TOUBROS! THE CITY OF NEW YORK GOVAN'S

Appearance Card
I intend to appear and speak on Int. No Res. No in opposition
Date:
Name: John Hatheway
Address:
I represent: Courd Gardens Deignborhood
Address: 7350C
Please complete this card and return to the Sergeant-at-Arms
THE COUNCIL Bettary Maritime THE CITY OF NEW YORK Building Appearance Card
I intend to appear and speak on Int. No Res. No in favor in opposition
Date: -3/4/09
(PLEASE PRINT)
Name: Kichard Y.
Address: 10 Williams Street
I represent: MYCEDC
Address: 110 William Street
Please complete this card and return to the Sergeant-at-Arms

I intend to appear and speak on Int. No		Appearance Card
Date: 3.4.2009 (PLEASE PRINT) Name: Rate All Mark Appearance Card I intend to appear and speak on Int. No. 12.33 Res. No.	I intend to appea	ar and speak on Int. No Res. No
(PLEASE PRINT) Name: Random Res. 10 10 10 10 10 10 10 10		M III 18401 III opposition
Name: Ractive! Yanda. Address: 10 Ave 4 Airwin (S) I represent: SE 10 32 BJ Address: 11 11 Please complete this card and return to the Sergeant-at-Arms THE COUNCIL THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 1233 Res. No.		
Address: C A ve		
Address: Please complete this card and return to the Sergeant-at-Arms THE COUNCIL THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 1993 Res. No.	•	
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Address: Please complete this card and return to the Sergeant-at-Arms THE COUNCIL THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 1993 Res. No.	I represent:	SEIU 32 BJ
Please complete this card and return to the Sergeant-at-Arms THE COUNCIL THE CITY OF NEW YORK Appearance Card I intend to appear and speak on Int. No. 1993 Res. No.		
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I intend to appear and speak on Int. No. 12231 Res. No.		
I intend to appear and speak on Int. No. 12231 Res. No.		
		THE CITY OF NEW YORK
in favor in opposition	T	THE CITY OF NEW YORK Appearance Card
— , — ••	T	Appearance Card ar and speak on Int. No. 12231 Res. No.

(PLEASE PRINT)

Name: 10 / + White

Address: 2 121 t 27th 12 tro

I represent:

Address:

 ${\it Please \ complete \ this \ card \ and \ return \ to \ the \ Sergeant-at-Arms}$