

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 making 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.

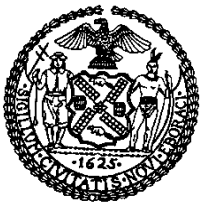
Accordingly, we respectfully ask that either the affordable housing requirements be confirmed in the deed restrictions, or in the rezoning (by conditioning the relaxed height and bulk limits upon the inclusion of the promised affordable housing, similar to the Department of City Planning's upcoming Gowanus 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)



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November 17, 2008

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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
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Hon. Joan Millman
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Director Purnima Kapur, DCP/Brooklyn
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