Appendix K
Comments Received on the DEIS

Appendix K-1
Comments Received on the DEIS

GOWANUS REZONING RESOLUTION

After years of consideration—through workshops, working groups, public meetings, and formal resolutions—and after careful review of both the proposal and public testimony, Brooklyn Community Board 6 (the "Board") hereby recommends that the proposed Gowanus Neighborhood Rezoning (the "Rezoning")[1] be **APPROVED, WITH CONDITIONS**.

Our Board has a long record of advocating for affordable housing in our community, and in particular investment in the repair, maintenance, and operations of public housing. Unfortunately, despite a well-documented need for capital investment in Gowanus Houses and Wyckoff Gardens, years of neglect by government at all levels has led to substandard living conditions and threats to the health and safety of residents.

The Board's conditions for approving the Rezoning, detailed below, are not organized in order of priority. The Board's conditional approval reflects an expectation that the City will acknowledge and satisfy each demand. However, the Board wishes to emphasize its demand that the City fully fund the capital needs of local public housing. Without a firm commitment by the City to meet this condition, the Board cannot support the Rezoning.

Accountability

To hold the City and all parties accountable for the commitments they make as a part of the Rezoning, the Board demands that the City support and fund the Gowanus Zoning Commitment Task Force (the "Task Force").

The Task Force will monitor compliance with public and private commitments, adherence to zoning requirements, and implementation of the Rezoning. With representation from local organizations, City agencies, and stakeholders, the Task Force will receive quarterly updates from the City and other stakeholders on planning, implementation, and successful completion of commitments, and disseminate this information to the community in a transparent and accessible manner.[2] The Task Force will also receive, every five years, a full assessment from the City evaluating the status of the adverse impacts identified in the Final Environmental Impact

---

[1] ULURP Numbers: C 210177 ZMK; N 210178 ZRK; C 210052 HAK; C 210053 PPK; C 210179 MMK; and C 210180 MMK.

Prior resolutions of the Board are collected here: https://drive.google.com/drive/folders/1CRdMnXpevgDjOyNckfwoDQyz5Mi6ngIY.

[2] The framework for the Task Force builds upon models such as the Lower Manhattan Construction Command Center and the Sunset Park Task Force.

Statement, and whether the mitigations identified and pursued by the City have successfully addressed adverse impacts. The Task Force will utilize the Brooklyn CB6 Responsible Development Policy as a basis for review of individual development projects, and developers will report to the Task Force on the categories identified in the Responsible Development Standards.

The Task Force will be comprised of designated representatives from the organizations, agencies, and other public and private stakeholders involved. Among them must be a dedicated liaison from the New York City Housing Authority (NYCHA) who will oversee capital improvements to the campuses impacted by the Rezoning and ensure improvements are completed expeditiously without displacing residents. Meetings of the Task Force will be open to the public. The Task Force will meet quarterly, and more frequently when circumstances require.

To ensure that the Task Force can effectively accomplish its mission, the City must commit to finance the cost of a facilitator for a fifteen-year period. The facilitator will oversee Task Force activities, help to organize and enable Task Force meetings, and otherwise support the Task Force's work. The City must also commit funding to allow the Task Force to obtain ongoing professional planning expertise for the same period of time, so that the Task Force can access independent guidance on land use and planning issues.

Combined Sewer Overflows

Combined Sewer Overflows ("CSOs") are a significant and ongoing source of pollution in the Gowanus Canal, and the Rezoning must result in a net decrease in CSOs. The Board is pleased that the Draft Environmental Impact Statement ("DEIS") projects a net reduction in CSOs of five million gallons per year. But the Board cannot support the Rezoning without independent review of the City's projections and City compliance with its legal obligation to control sewer outfalls.

EPA review. In line with the May 21, 2021 request by many of our community's elected officials, the Board requests EPA's written review of the City's CSO projections, including an assessment of whether the City has accurately forecasted a net reduction in CSOs, and whether the City has accurately accounted for local conditions (including the water table and projected increase in tidal levels) and the impact on water quality of the projected increase in sanitary flow and the projected reduction in stormwater.

Compliance with EPA orders. The City has sought to delay compliance with its legal obligation to construct retention tanks to control CSOs and ensure that EPA efforts to clean up the Canal are not undermined by continued, uncontrolled sewer discharges. The Board demands that the

City fully comply with the EPA's order to complete the retention tanks on the EPA-mandated timeline, and the Board's conditional support for the Rezoning reflects its expectation that the EPA will vigorously enforce its orders and ensure that the City meets its obligations.

Unified Stormwater Rule. According to the City's DEIS, the projected net reduction in CSOs is contingent on approval and implementation of the forthcoming Unified Stormwater Rule, which increases on-site stormwater management requirements for certain lots within the combined sewer area. To ensure that the Rezoning does not result in a net increase in CSOs, the City must require the Unified Stormwater Rule to be in effect prior to the first site sewer connection in the Rezoning area.

Implementation. Irrespective of its initial projections, the City must ensure that CSO impacts are continually modeled, monitored, and timely reported, and that each sewer connection is modelled for its individual impact on CSOs and sewer capacity. As new developments come on line, the community—including the Task Force—must have access to information documenting CSO impacts, and the resultant effects on flooding and pollution in the Canal.

Sewer system capacity: The DEIS identifies two water treatment sites that serve Gowanus and asserts that they have capacity to cover an anticipated increase in sewage. However, the DEIS does not study the capacity for regular dry day sewage flow from Gowanus to the Red Hook Treatment Plant through existing underground viaducts. The Board demands that the final EIS correct this oversight.

Environmental Remediation

As a result of decades of environmental degradation, large portions of the Gowanus neighborhood are badly in need of repair. The failure to remediate brownfields impedes the EPA's efforts to clean up the Canal, as additional contamination from upland lots travels into the Canal. Under current law, most upland lots are not required to be remediated unless there is a change in use. As a result, existing zoning in Gowanus, by restricting residential uses and other dense uses, discourages environmental remediation. The Board thus understands that the Rezoning is an opportunity to repair decades of pollution, but additional assurances are needed to ensure that remediated sites are fit for residential use.

EPA Review of Public Place. The proposed site of the Gowanus Green development, Public Place, is severely contaminated as a result of the operations of a former manufactured gas plant. The Board is grateful that the EPA (as well as the New York State Department of Environmental Conservation), in a March 22, 2021 letter, committed to assess remediation efforts at the Public Place site and "ensure that the remediation will be protective of public health and the environment." The Board's conditional support for the proposed development at Public Place is

contingent on the EPA's continued review of remediation at the site and its ultimate conclusion that the remediation is compatible with the proposed residential, educational, and recreational uses.

EPA Review of Individual Brownfield Development Projects. In line with the May 21, 2021 request by many of our community's elected officials, the Board demands that EPA review individual development applications in advance of permitting to ensure that proposals are consistent with the Superfund cleanup and public health.

Gowanus Mix

As the City knows, the Board is strongly committed to maintaining the vibrant and distinctive mix of industrial, arts, cultural, and civic uses that makes Gowanus so special.

Mandatory Gowanus Mix. At present, the City proposes to promote the creation and maintenance of that mix through an incentive program, in which developers will receive a density bonus in return for dedicating space to the "Gowanus Mix." The Board is concerned that an optional incentive program alone will not result in the dedicated space for industrial, arts, cultural and other uses that the Rezoning must enhance and preserve. The City's Mandatory Inclusionary Housing program recognizes that incentives alone will not provide the affordable housing that our City desperately needs. And the City has failed to explain why incentives—without mandates—will deliver the Gowanus Mix. The Board demands that the City make the Gowanus Mix program mandatory.

Uses. The selective list of "Gowanus Mix Uses" identified in Section 139-12 of the Special Gowanus Mixed Use District includes creative and community-related uses. However, coupled with the current, modest incentive it does not do enough to induce continued growth of "Gowanus" businesses. The Special District must include mechanisms to protect existing businesses and actively foster the Gowanus Mix. In addition to a Mandatory Gowanus Mix requirement, specific uses within the District must be weighted and a percentage of commercial spaces for artist and light manufacturing must be required to be permanently affordable.

Arts. A commitment to support and retain Arts and Culture in Gowanus has been integral to every Gowanus community plan for decades, but is not evident in this plan. Creative industries are included in the Gowanus Mix, but there is nothing in the zoning text to ensure that this plan will facilitate the vibrant mix described. There must be protection for existing artist studios, and requirements for the creation of new subsidized spaces, not unlike school and infrastructure requirements. A percentage of "Gowanus Mix" spaces must be designated to arts and culture including the preservation of existing community-based arts programs.

Sustainable Industry. A business cluster dedicated to material re-use has made Gowanus a leader in sustainable methods for reuse, recycling, and environmentally-friendly waste disposal. As part of the Special District, these industries must be encouraged and expanded as new techniques and capabilities are developed that also serve the increased population.

Housing

In recent decades, our community has lost a substantial amount of affordable housing, and has experienced a related and tragic loss of socio-economic, racial, and ethnic diversity. The Rezoning is an opportunity to reverse those trends, and ensure that our community remains a place where New Yorkers of all backgrounds can live.

Mandatory-Inclusionary Housing. Although housing costs in our community are so high that even more affluent families can struggle to make ends meet, our most pressing need is new housing for low-income New Yorkers. To that end, the City must mandate that residential developments adhere to MIH Option 3, which requires that 20 percent of the residential floor area be affordable to residents at an average of 40 percent area median income (AMI).[3] This option maximizes the number of units at the most affordable level available. To the extent mandating Option 3 alone is not legally permissible, the City must adopt Option 3 together with Option 1, as Option 1 requires 25 percent of the residential floor area be affordable to residents at an average of 60 percent AMI. Options 2 and 4, which will not create homes at the deepest levels of affordability, are not acceptable.

Community preference. Community preference is a longstanding City policy that reserves half of the units in most affordable housing developments for residents of the local Community District. In light of the demographics of Community District 6, this community-preference policy will likely impede the ability of the Rezoning to increase socio-economic, racial, and ethnic diversity within our community. In order to ensure that the Rezoning results in a more integrated and diverse community, the City must amend the community-preference policy for the Rezoning to give an equal preference to residents of Community Districts 2 and 6, as well as the nearby Community Districts surrounding Prospect Park: Brooklyn Community Districts 7, 8, and 9. The City must also give a particular preference to residents of public housing.

Racial-impact study. Prior to the conclusion of public review, the Board demands that the City fund an independent racial-impact study to ensure that the Rezoning will result in a more diverse community than would exist absent the Rezoning. The study must include an assessment of potential displacement effects, as well as socioeconomic diversity.

---

[3] As an example, a family of three at 40% AMI has a household income of $42,960, under the 2021 New York City Area AMI.

The location of MIH units. Under current MIH policy, a developer may – within certain restrictions – locate affordable units off-site on a different zoning lot. Although these off-site affordable units must be within ½ mile of the project or within the same Community District, and there is an additional 5% affordable housing requirement that accompanies this off-site option, locating affordable apartments on a different site from market rate apartments undermines the purpose of MIH. As a result, the City must require all affordable apartments created under MIH to be built on the same zoning lot as any market rate units. The City must also ensure that residents of affordable apartments are afforded the same access to amenities as residents of market-rate units.

Housing Options: The Rezoning includes designations for senior housing, supportive housing, and housing for people transitioning out of homelessness. The Rezoning should also include set asides for additional housing types. Supported transitional housing should be included and incentivized. Housing for young adults transitioning out of foster care and the shelter system should be prioritized. A percentage of affordable housing must also be designated for the cultural community. The arts must be further supported by developing joint artist live/work spaces, on the same floors of buildings, in duplexes, or in clusters of three and four-story manufacturing buildings.

Industrial and Workforce Retention and Development

Our community remains deeply committed to a vision of Gowanus where industrial businesses can flourish, and where—through careful planning—industrial, creative, commercial, and residential uses coexist.

Gowanus IBZ Vision Plan. Although not a formal part of the Rezoning, our community is thankful that the City recently released its Vision Plan for the Gowanus IBZ. Critically, the plan proposes increases in buildable floor area ratio, the reduction of parking requirements, and updated loading requirements to give industrial users the flexibility they need to support a 21st century hub of industrial and commercial jobs.

The City must now commit to translating the Vision Plan into a zoning framework that protects existing businesses and helps businesses stay in the Gowanus IBZ and modernize and expand, while carefully managing competing uses that can impede industrial operations such as large-scale entertainment, gyms, and big-box retail. The City should consider lowering the parking requirements for industrial properties; allowing increased density for the creation of industrial space and production-based uses; maintaining the prohibition on new residential uses; and attempting to limit stand-alone office space by only allowing accessory office use at no greater than 20% of floor area. Zoning and land use tools must be legislated, but until new zoning is

implemented, there must be a mechanism to encourage expansion, while curtailing uses that are detrimental.

Infrastructure investment. Although the Gowanus is home to many industrial uses, multiple longstanding infrastructure challenges inhibit the vitality and growth of local industry. Zoning changes alone cannot ensure that Gowanus remains a place where industrial uses can thrive. The City must commit capital investments for infrastructure in the IBZ, including the creation of dedicated loading zones, improvements to degraded streets, improvements to stormwater drainage, and the deployment of high-speed broadband.

As a part of the East New York Rezoning, the City committed millions to bring affordable high-speed broadband to businesses in the IBZ. The City must make a comparable capital commitment to broadband investment here. Specifically, the City should invest $5 million to build out an open access conduit system with interconnection points throughout the IBZ Vision Study area. With multiple fiber providers able to pull fiber through the conduit system, this system will create a marketplace for high-speed internet services. The result will increase the value of property in the IBZ and also incentive businesses to locate in the Gowanus IBZ.

Likewise, the East New York Rezoning included an $8.2 million commitment to streetscape and transit improvements in the IBZ. The City must make a comparable commitment here. Among other things, the City must commit to conducting a mobility study of 3rd Avenue between 9th Street and Hamilton Avenue/16th Street near the entrance to the Gowanus Expressway, including consideration of turning lanes. The City must also ensure that there are dedicated loading zones on each block within the IBZ, with flexibility to allow businesses to share dedicated spots.

Displacement. According to the DEIS, the Rezoning will result in the displacement of approximately 45 businesses and 600 employees. In addition, six current businesses will be displaced by the construction of the retention tank facility at the Salt Lot site. The City must put forward a detailed plan to assist displaced businesses, including those on the Salt Lot site, with relocation and other needs, as it has done elsewhere in the City. In the Greenpoint Relocation Program, for example, the City provided businesses with grants covering their eligible moving costs up to $50,000 per business. Particular attention must be paid to help place these businesses in the Gowanus IBZ.

Workforce Development. The Gowanus Rezoning is an opportunity to invest in our community's residents by funding workforce development and training. Among other things, the Board demands that the City commit to providing $350,000 annually for 10 years to fund workforce programming and industrial training and job readiness in the Gowanus, modeled after the Stronger Together program, which involved the Southwest Brooklyn Industrial Development Corporation and the Fifth Avenue Committee. This model offers workforce development, bridge

programming, adult education, and other services to NYCHA residents in Gowanus and Red Hook, with industrial job training also targeting local 18-25 year olds, particularly NYCHA residents. The City must also commit to fill the vacant coordinator position for NYCHA's Office of Resident Economic Empowerment & Sustainability (REES). Such programs should take special care to serve persons with disabilities.

Local sourcing. To strengthen local businesses, new businesses and developments located in the Rezoning Area and IBZ should make every effort to locally source goods and services.

Municipal Services

A substantial increase in population will bring new demands on local services, from schools, to sanitation, and emergency services. The City must ensure that new and existing residents have access to high-quality City services.

Early childhood education. According to the DEIS, the proposed action will result in a significant adverse impact on publicly-funded early childhood programs. This is unacceptable, particularly in light of the City's goals to create approximately 3,000 new units of affordable housing. The DEIS acknowledges that these impacts can only be mitigated by the provision of new space for early childhood programming, or physical improvements to existing space, but the DEIS fails to identify *any* plan to mitigate these measures. The Board demands the City set out a firm plan to meet the increased demand for early childhood program capacity within the Rezoning area. The City must also specifically ensure that early-childhood programs exist to serve children with disabilities.

Schools. According to the DEIS, the Rezoning is estimated to generate up to approximately 1,329 elementary students, 288 intermediate students, and 415 high school students. However, at present, only one site—Public Place—is set aside for a new school (with approximately 500 seats), and the City has indicated that it anticipates additional school capacity arriving through the incentives built into the Gowanus Special District. The Board is concerned that the substantial need for additional new school capacity will not be met solely through the City's incentive program. The City must identify and set aside at least one additional development site in the Rezoning area for anticipated school demand. The City must also specifically provide for space for children with disabilities.

Healthcare, police, and fire services. The DEIS does not assess the impact of the Rezoning on health care facilities, or police and fire services. As to health care, the DEIS states that a detailed analysis of the impact of the Rezoning on health care facilities is not necessary because the plan "would not create a sizeable new neighborhood where none existed before." This may be true, but existing low-income residents are woefully underserved by affordable local health care

services. Similarly, the DEIS states that a detailed analysis of the impact on fire and police services is unnecessary because no such "facilities would be directly displaced as a result of the" Rezoning. The failure to assess these impacts is unacceptable. The Board demands the City perform more than a cursory assessment of how the substantial proposed increase in population will affect demands on area health, fire, and police services, and most importantly, low-income families.

Senior Services. The City must also ensure that adequate investments are made in services critical to seniors, such as accessible health care options, and senior centers.

Open Space

While the Rezoning will add additional open space to a community that badly needs it, the increase in population that accompanies the Rezoning will result in an overall reduction in the amount of open space per resident. As a result, it is critical that the City provide a firm commitment to the new open space that will be created as a result of the Rezoning, make additional investments in open space so there is no reduction in the amount of open space per resident, and take measures to safeguard existing public space.

Public Place. The City must make both the capital commitment necessary to finance the creation of the new park on the site known as Public Place/Gowanus Green, and set out the timeline that will govern the remediation and construction of this critical open space.

Thomas Greene Playground. According to the DEIS, the Rezoning will result in a shadow cast on the Douglass and Degraw Pool in Thomas Greene Playground that will significantly impact the user experience of the pool for 2-3 hours a day (based on an analysis of conditions on May 6/August 6). The City must mitigate this adverse impact through adjustments to the shape, size, and orientation of the responsible structure, or through a plan to adjust the placement and orientation of the Pool following the planned remediation of Thomas Greene Park (within the footprint of the former Fulton Manufactured Gas Plant). Additionally, the City must put forward a clear capital commitment and timeline for new improvements to this cherished neighborhood amenity and must work closely with the Potentially Responsible Parties identified by the EPA to identify a location for a temporary park and pool during the planned remediation.

Head of Canal. The City must make both the capital commitment necessary to finance the creation of the proposed park at the Head of Canal retention tank facility site, and set out the timeline that will govern the construction and oversight of this critical open space.

Additional Investments in Open Space. The City must also identify additional opportunities for new and improved open space on City-owned lots, including the Salt Lot, GreenSpace on 4th,

the F/G Transit Plaza, and the Under the Tracks Playground.[4] The Salt Lot in particular offers a ripe opportunity for new open space. The City must commit now to create new public open space on the Salt Lot site, to improve and expand existing uses (including the compost facility, nursery, and the education and stewardship center currently on the site), and to return to the Community Board for review of any open space plan. New open space must be mapped as dedicated park land, to ensure it will remain an open space amenity.

Parks Improvement District. To support new open space, including waterfront open space, and the maintenance of existing open spaces, the City must work with local stakeholders to create a Parks Improvement District. The Parks Improvement District, funded through a tax assessment on post-rezoning development, will—much like a Business Improvement District—offer a stable funding mechanism for investment in community amenities and programming, as well as a public forum for community and stakeholder engagement and oversight. Among other things, the Parks Improvement District will ensure that there is sufficient financing to support local open space irrespective of general funding levels for the Department of Parks & Recreation, which—as recent budget decreases illustrate—can be subject to severe austerity measures during economic downturns.

Streets. As the pandemic has shown, closing carefully-selected streets to vehicular traffic can open up much-needed passive and active public space. The Board recommends that the City consider options to increase open space through the permanent closure of streets, especially streets adjacent to existing parks and open space.

Public Health

Climate and flood resiliency study. One particular infrastructure challenge merits special attention. Parts of the Gowanus IBZ and Red Hook are subject to persistent flooding challenges that plague industrial users, neighborhood residents, and anyone traveling through these neighborhoods. As the Board and other stakeholders have consistently urged, the City must fund and conduct a study to examine the nature, severity, and causes of coastal and inland flooding in the IBZ and Redhook. The study must examine and propose infrastructure enhancements that are needed to mitigate flooding. The results of this study, and any model it develops to assess flooding impacts, must be continually updated as the rezoned area is developed and in response to changing climate conditions, with these results reported to the Task Force. Most importantly, the City must commit capital money to make these necessary improvements.

[4] The Greenspace on Fourth is a community garden on 4th Avenue between Union and Sackett. The Transit Plaza is the MTA-owned parcel on the northwest corner of the 9th Street Bridge. The Under the Tracks Playground is the space underneath the F/G train viaduct along 10th Street.

***Gowanus Community Preparedness Plan*.** Additional capital commitments must also be put forward for the longstanding identified need for development and implementation of a Gowanus community preparedness plan, similar to that undertaken after Superstorm Sandy in Red Hook.[5]

Urban Heat Island. In addition to the challenges brought on by persistent flooding, the Urban Heat Island (UHI) effect presents a public health threat forecasted to intensify on account of climate change. Investments and development strategies, such as those put forward by Urban Land Institute's New York District Council and Urban Resilience Program report on Gowanus[6], could be effective for mitigating UHI in Gowanus and should be required within the Gowanus Mix Use District and Waterfront Access Plan.

Public Housing

Fully fund and complete outstanding capital needs. The Board has long made clear that the Rezoning must be accompanied by a substantial investment in public housing in our community.

According to the New York City Housing Authority's (NYCHA's) 2017 physical needs assessment, Gowanus Houses and Wyckoff Gardens currently have an unfunded projected five-year capital need of roughly $274 million. The Board demands full funding of this capital need by the City. Additionally, the City must set out a concrete plan for the timely completion of these investments, including the appointment of a dedicated NYCHA liaison to oversee capital improvements to the impacted campuses. It is critical that the improvements not result in the displacement of any existing residents.

Inclusion and Accountability to residents. In addition to committing these badly-needed funds, the City must pledge to work *with* residents on the Capital Needs Assessment and timeline for work, and to provide a mechanism for real resident input and oversight of the work to ensure it gets done, including but not limited to mandatory and regular reporting. Residents of NYCHA properties must be full participants in the capital improvements that will accompany the Rezoning.

***Local hiring*.** Funding to improve local NYCHA developments must follow Housing and Urban Development Section 3 hiring policies, so that employment and other economic opportunities generated by investment in public housing is directed, whenever possible, to public housing residents and other low and very low income residents.

Transit

[5] See http://www.readyredhook.org/
[6] See 5f5bc22d59be9-5f5bc22d59beaULI-NY-Gowanus-UDCW-Report-Final-spreads.pdf.pdf (windows.net)

With new density comes the need for new investments in transit infrastructure, to make sure that our neighborhoods continue to have access to high-quality public transit. The 2020 CEQR manual references a 2010 Traffic Zone condition for our community that will likely change dramatically over the next fifteen years. Indeed, with anticipated development brought on by the Rezoning, sections of the rezoned area will experience demands on transit far in excess of the 2010 modeling. The City must account for these increases in determining the adverse impacts brought on by the Rezoning and propose achievable mitigation strategies.

F/G Train. According to the DEIS, the Rezoning will result in the northbound F Train operating over capacity in the AM peak hour by 2035. The DEIS states that this adverse impact could be fully mitigated by the addition of two northbound F trains during the AM peak hour. The MTA and New York City Transit must confirm that the addition of these northbound trains is feasible—taking into account the MTA's non-pandemic schedule of 17-22 northbound trains during peak hours and long-term plans for updating signal technology for this section of the system—prior to approval of the Rezoning.

B71. When the MTA eliminated the B71 bus route in 2010, it cut a vital transportation link between Red Hook and Gowanus, Carroll Gardens, Cobble Hill, Park Slope, Prospect Heights, and Crown Heights. A substantial increase in population brought on by the Rezoning makes it all the more critical that this route be restored. The City must work with the MTA to revive this important east-west connection.

Subway stations. The DEIS projects significant impacts on street stairs and one fare array at the Union Street R station. Street stair crowding must be mitigated through the installation of elevators, which are—irrespective of new crowding issues—sorely needed to promote access to our subway system for people with mobility impairments. The City must work with New York City Transit and the MTA on a plan to make the Union Street R station fully accessible. In addition, the Board notes that none of the F/G stations on the periphery of the rezoned area are accessible. The City must, in partnership with New York City Transit and the MTA, prioritize making these stations accessible.

Pedestrian and Traffic. The safety data referenced in the DEIS dates from 2015-2017, prior to the pandemic and the Open Restaurants program unveiled last year by the City. Since the City is now considering making elements of this program permanent, this section of the DEIS should be updated to take into account the program's impact on safety and pedestrian and vehicular flows.

Bike infrastructure and safety. When it comes to cycling – a key transportation mode – the DEIS is deficient in multiple respects. The DEIS relies on crash data from 2015-2017, even though circumstances have substantially changed citywide since that time. Predicted travel demand does not account for trips by bicycle. And intersection capacity analyses do not account

for bicycle trips. The City must assess the impacts of the Rezoning on this critical transportation mode and identify infrastructure improvements to bolster bicycle safety.

Loading zones: The City must also expand the use of loading zones throughout the Rezoning Area to facilitate for-hire-vehicle drop offs and pick-ups, neighborhood goods delivery, trade and service vehicles, and other suitable uses. And the City must ensure that loading zone rules are adequately enforced so that they meet their designated purpose.

Waterfront Access Plan

The Gowanus Canal itself is the central distinguishing feature of the distinctive Gowanus neighborhood, and the Community Board is delighted that the proposed Rezoning will result in some four acres of new public waterfront parks subject to the Gowanus Waterfront Access Plan (WAP). Nevertheless, the City must do more to ensure that the waterfront is a vibrant, public space, with active programming and ready access to the water.

Access to the water. Critical to the success of the proposed waterfront is access to and from the water, including access for recreational activity like boating and kayaking. The City must commit to including water access in the design of the Head of Canal Park, the Salt Lot, and Gowanus Green. The City must also identify additional locations for access to the water, including at least one emergency egress point between each bridge, evenly distributed on both sides of the Canal.

Additional Canal crossings. The WAP must also facilitate future pedestrian bridge crossings, such as at the 1st Street Turning Basin, Degraw Street, and between Gowanus Green and the Salt Lot.

Programming. While the Rezoning will require the construction and maintenance of accessible esplanades, it does not mandate that new development along the waterfront provides active programming and community engagement. The Parks Improvement District, discussed above, offers a framework for funding and overseeing vibrant waterfront programming. The City must commit to supporting this innovative proposal.

Testing. To ensure that the Canal is safe for, at a minimum, secondary contact recreation and fishing, City, State, and Federal authorities must regularly test the waters semi-annually, as well as before and after storms, and disseminate test results to the public and the Task Force to show that the waters are indeed safe as per the NYSDEC's Water Quality Standards Program..

Zoning Tools

Commercial spaces. The proposed zoning laudably reduces onsite parking requirements and requires screening of parking with a wrap of commercial and community spaces on the ground level. While these spaces will activate the promenade along the Canal, one potential consequence is that parking entrances and blank screen walls could end up concentrated at other locations, such as the north side of new developments in the Upland Mixed-Use and Canal Corridor Subareas near the adjacent Gowanus and Wyckoff campuses. To avoid this scenario, the City should create a zoning tool that requires a significant percentage of active ground floor space facing toward both campuses.

Height Caps. The City must ensure that height limits imposed in the Rezoning are not subverted through air-rights transfers. Additionally, permitted obstructions, such as bulkheads, mechanical equipment, window washing equipment, wind turbines, solar panel installations, etc., are limited to no more than one story above the building's maximum height limit. In no circumstances will any permitted obstructions exceed 12 feet. All visually objectionable permitted obstructions, such as window washing equipment, mechanical equipment, etc., must be screened. Except for parapets, all permitted obstructions must be set back a minimum of 10' from the roof perimeter.

Aligning infrastructure with development. As the DEIS itself recognizes, the success of the Rezoning hinges on the timely completion of certain core infrastructure improvements—such as the EPA-mandated CSO retention tanks; sewer infrastructure upgrades; new school and early-childhood program capacity; open space improvements; subway station enhancements at F, G, and R stations; and increases in northbound AM peak subway capacity on the F subway line. To ensure that these critical infrastructure investments are completed alongside new development, the City must set out a legal mechanism or develop an alternative approach, such as establishing subdistricts with staggered effective dates, in the certified Rezoning that assures the progress of infrastructure investments keeps pace with new development. The Task Force must be updated on the effectiveness of the City's approach.

FAILURE TO FOLLOW THE UPDATED 2020 CEQR TECHNICAL MANUAL

https://www1.nyc.gov/site/oec/environmental-quality-review/technical-manual.page

The DEIS is deficient because several analyses were performed in accordance with the 2014 CEQR Technical Manual. The Mayor's Office of Environmental Coordination's website states: *"The updated CEQR Technical Manual (2020 Edition) should be used as guidance for any environmental review commenced on or after December 24, 2020."* The DEIS must be updated and reissued accordingly.

FAILURE TO DISCLOSE UNMITIGATED SIGNIFICANT ADVERSE IMPACTS

UNDISCLOSED SIGNIFICANT ADVERSE IMPACTS – SHADOWS, OPEN SPACE, AND PUBLIC HEALTH

https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/gowanus/06-deis.pdf

J.J. BYRNE PLAYGROUND & WASHINGTON PARK

The shadows analysis determined that J.J. Byrne Playground and the adjacent Washington Park would be immersed in dark shadow throughout the year from roughly 3pm–6pm due to the Proposed Project. It erroneously concludes these impacts would not be significant or adverse because sunlight would remain at other times of the day. This is entirely contradictory to the earlier statement per CEQR: *"Determining whether this impact is significant or not depends on the extent and duration of the incremental shadow and the specific context in which the impact occurs"* (p 6-6). The analysis includes a complete and utter lack of context for J.J. Byrne Playground and Washington Park. These parks are the centerpiece of the neighborhood and are used daily and intensely by the children of Gowanus, Park Slope, and surrounding neighborhoods for after-school play – precisely the hours during which the Proposed Project would rob these precious resources of their sunlight and their ability to continue to function as sun-sensitive open spaces. Public Middle School 51 (MS51) is directly adjacent to these parks. More than 1,100 sixth to eight graders rely on these open spaces for the only sunlight they receive in their day. Thousands more children from nearby schools and daycares and camps also depend on these two open spaces for athletic leagues, group play, field trips, concerts, picnics, birthday parties, and more.

Furthermore, the analysis hides behind a deceptive and manipulative claim that *"Users looking for relief from the summer sun and heat in the late afternoon would find respite in the areas temporarily affected by incremental shadows"* (p 6-18). This perverse statement reveals a frightening attempt to characterize sunlight as an undesirable commodity that the developers will generously remove, instead of meeting the spirit of CEQR by objectively assessing the negative impacts of new shadows. This is not simply an impact of shadows—it is also an impact to open space and public health (mental and physical).

The shadows and open space analyses also fail to acknowledge the history of these two parks—whose sunlight-dependent design renovations were promised to the Gowanus and Park Slope communities as mitigation for the prior Fourth Avenue rezoning and construction of the high-rise Novo condominium building at 343 Fourth Avenue. The City and Boymelgreen Developers' egregious agreement to use of portions of the park as a private construction staging area more than a decade ago was presented to the neighborhood as short-term pain and deprivation in exchange for the community's long-term enjoyment of a $1.6 million sunshine-filled modernized open space in perpetuity. Essentially, this new proposed action will render null and void a mitigation measure previously implemented to compensate for a separate rezoning and redevelopment impact in the same location.

The DEIS must be revised and reissued to properly disclose the Proposed Project's unmitigated significant adverse impact to J.J. Byrne Playground and Washington Park due to new project-generated shadows and its unmitigated significant adverse impact to open space and public health.

GIL HODGES COMMUNITY GARDEN

Gowanus is a vegetation desert. The lack of trees and resulting effects on air quality are noticeable as one walks from the adjacent leafier neighborhoods towards Gowanus. Gil Hodges Community Garden is one of the rare open spaces with trees, which the Proposed Project will kill. The garden is a particularly special community resource due in part to its calming and contemplative location next to the church and P.S. 372 The Children's School, an inclusionary school serving special-needs children.

Page 6-6 of the DEIS correctly notes that a significant shadows impact to vegetation results if more than 10 minutes of incremental shadow, and notes the following for vegetation impacts: *"In the growing season, 4 to 6 hours a day of sunlight is a minimum requirement."* The analysis then proceeds to conclude that the tree-filled areas of the Gil Hodges Community Garden would receive only 3.5 hours of sunlight during certain times of the year. It fails to disclose the Proposed Project's unmitigated significant adverse impact to this community garden due to shadows. **The DEIS must be revised and reissued to disclose the unmitigated significant adverse impact to the Gil Hodges Community Garden in both the shadows and open space analyses.**

UNDISCLOSED SIGNIFICANT ADVERSE IMPACTS – COMMUNITY FACILITIES

The DEIS fails to disclose the unmitigated significant adverse impact to public elementary schools. It does so by artificially reducing the future utilization rate of Subdistrict 3/CSD 15 elementary schools through the disingenuous assumption of a new project-generated "potential" school on Block 471. Children do not learn in "potential" schools. This in a non-committal hypothetical school building that, if ever properly included and approved as part of the Proposed Project, would be deemed dead-on-arrival because of its suggested location on a former Citizens Gas Works manufactured gas plant site. The toxic vapors and serious health hazards would be above the NYS Department of Environmental Conservation standards, similar to the vapor-intrusion tragedy resulting from the hasty rezoning at Gowanus's P.S. 118. The DEIS also fails to disclose the unmitigated significant adverse effect to four libraries—the Carroll Gardens Branch, the Pacific Branch, the Park Slope Branch, and the Red Hook Branch. **The DEIS must be revised and reissued to clearly disclose the unmitigated significant adverse impact to community facilities—including Subdistrict 3/CSD15 elementary schools and the libraries (Carroll Gardens Branch, Pacific Branch, Park Slope Branch, and Red Hook Branch).**

FAILURE TO PROPERLY NOTICE PUBLIC HEARING DATE AND COMMENT PERIOD END DATE

The public has repeatedly been referred to several nyc.gov City Planning websites to remain apprised of the project, the DEIS, the anticipated public hearing date, and the comment period end date. These websites were not (and have still not) been updated, and instead misleadingly state: *"A public hearing on the DEIS will be held at a later date to be announced. Advanced notice will be given of the time and place of the hearing."* Input from thousands of residents, businesses, and school community members have not been received because of this failure to properly notify the public of these two key dates. See Exhibit A for screenshots as of June 5, 2021. **Therefore, a second public hearing on the DEIS must be held to properly meet the requirements and spirit of CEQR and public review.**

EXHIBIT A – FAILURE TO PROPERLY NOTICE PUBLIC HEARING DATE AND COMMENT PERIOD END DATE

Exhibit A.1 - NYC Planning Gowanus Neighborhood Rezoning – Environmental Impact Statement
https://www1.nyc.gov/site/planning/applicants/env-review/gowanus.page
Accessed 6/5/2021, 8:17AM
Misleading statement *"A public hearing on the DEIS will be held at a later date to be announced. Advanced notice will be given of the time and place of the hearing."* No mention of 6/3/2021 public hearing or comment period end date.

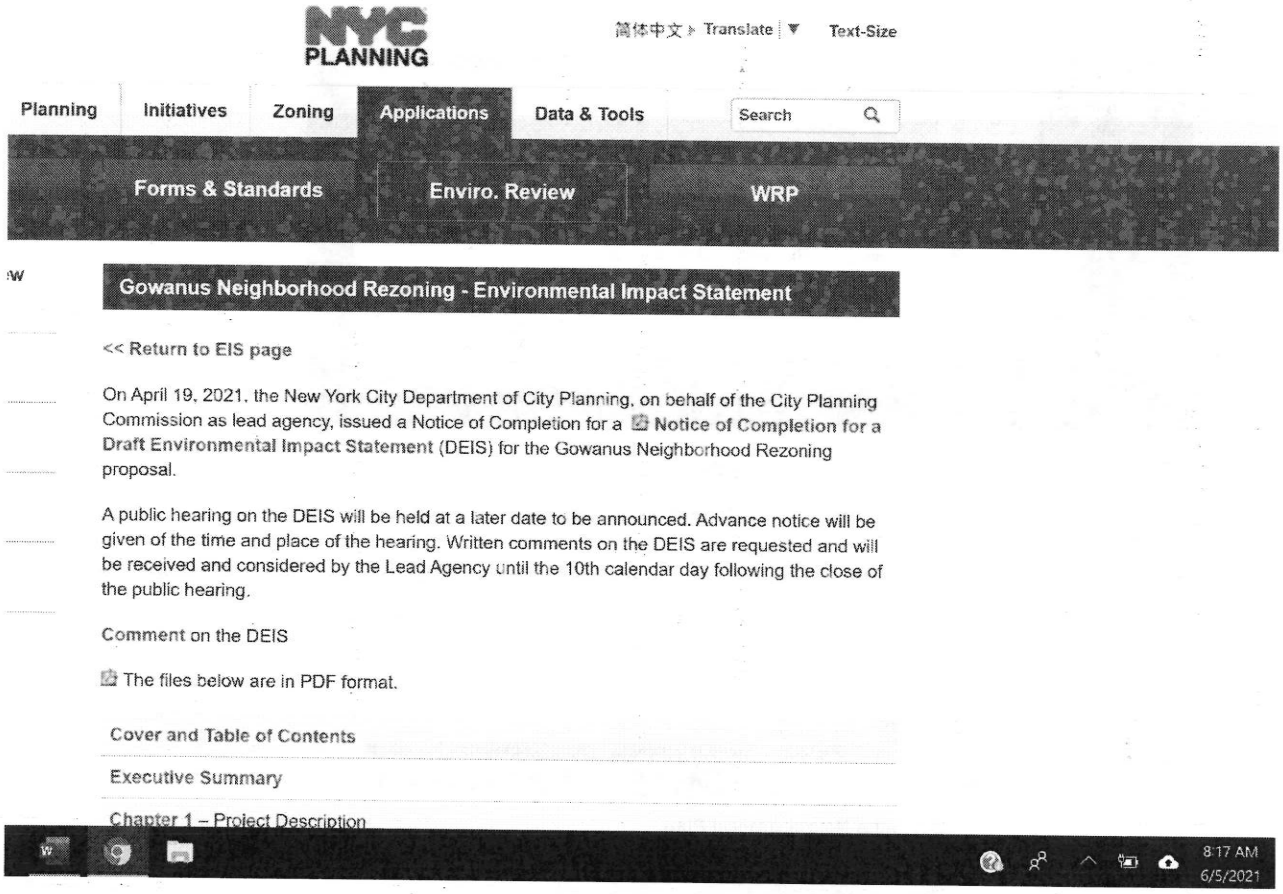


Exhibit A.2 – Brooklyn Community Board 6
https://www1.nyc.gov/site/brooklyncb6/index.page

Accessed 6/5/2021, 8:17AM
Home page prominently shows NYCDCP language "hearing will be held at a later date to be announced."

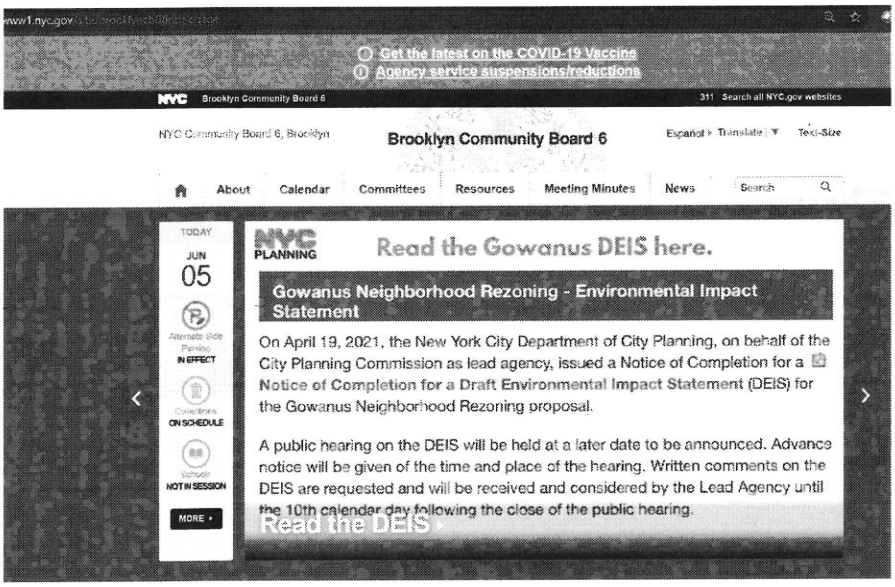
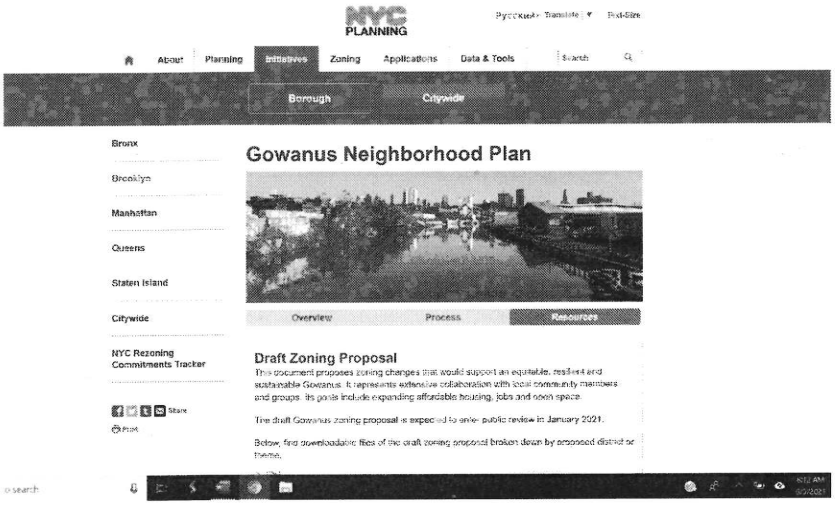


Exhibit A.3 - NYC Planning Gowanus Neighborhood Plan
https://www1.nyc.gov/site/planning/plans/gowanus/gowanus-framework.page
Accessed 6/5/2021, 8:12AM
Misleading statement *"The draft Gowanus rezoning proposal is expected to enter public review in January 2021."* No mention of 6/3/2021 public hearing or comment period end date.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

BY EMAIL

Marisa Lago, Director
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Re: Comments on Gowanus Neighborhood Rezoning Draft Environmental Impact Statement and Gowanus Canal Superfund Site, Brooklyn, New York

Dear Ms. Lago:

The U.S. Environmental Protection Agency (EPA) submits this letter for the purpose of commenting on the Gowanus Neighborhood Rezoning plan and accompanying draft environmental impact statement (DEIS), which the Department of City Planning (DCP) is overseeing on behalf of the City Planning Commission as lead agency.

Background

As you know, the proposed rezoning affects an area surrounding the Gowanus Canal which EPA placed on the Superfund National Priorities List in March 2010, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or "Superfund"). The Gowanus Canal Superfund Site ("Site") includes the approximately 100-foot wide, 1.8-mile-long Canal, and upland areas that are sources of contamination to the Canal.

In 2013, EPA issued a Record of Decision (ROD), selecting a remedy for the cleanup of the Site that includes the dredging and off-Site disposal of much of the accumulated contaminated sediment within the Canal, the capping of certain contamination remaining below the dredged material, and the control of upland sources to prevent the recontamination of the clean Canal. See https://semspub.epa.gov/work/02/692106.pdf. Such upland sources include certain contaminated sewer solids discharged into the Canal during Combined Sewer Overflow (CSO) events, when stormwater and sanitary sewage capacity is exceeded within the approximately 1,758-acre Gowanus Canal watershed. Among other things, the CSO portion of the EPA-selected remedy requires the construction and operation of two CSO retention tanks to help prevent recontamination of the Canal after dredging. Pursuant to several EPA administrative orders, New York City (City), a potentially responsible party (PRP) for the Site, is required, among other things, to design and construct those CSO tanks, take various measures to control CSO and stormwater discharges to the Canal, and participate in the first stage of the dredging and capping work. The New York City Department of Environmental Protection (DEP) has taken the lead for

the City work under the orders. The in-Canal cleanup work, which began in November 2020, is being performed by a group of PRPs, including the City, led by National Grid, pursuant to one of the aforementioned orders.

EPA has previously outlined its role in the City's land-use process through EPA's May 2019 comments to DCP on the DEIS scoping documents and in EPA's October 27, 2020 letter to the Director of the DCP and the Commissioner of DEP. EPA's October letter stated:

> *Consistent with EPA's May 2019 comments, the EIS process should accurately determine not just the total wastewater generation, but also the incremental sanitary and stormwater volumes and what appropriate mitigation measures, or combination of measures, are required to prevent added CSO-related discharges to the Canal and adverse effects on the Canal remedy. In particular, EPA believes that DEP must determine whether any infrastructure serving the parcels that are to be rezoned requires upgrading to provide adequate conveyance and prevent overflows to the Canal. EPA will review all such determinations and other relevant information related to the impacts of the proposed rezoning on the Superfund Canal remedy and will assess whether any mitigation measures proposed as part of the development, as a result of the rezoning, would indeed be protective of the Canal remedy.*
>
> *EPA acknowledges the City's authority to engage in land-use planning and zoning. With that being said, however, EPA respectfully submits that any rezoning impacting the Canal must proceed in a manner that is protective of human health and the environment, as envisioned in EPA's Canal remedy.*

EPA reaffirms the above positions as part of these DEIS comments. As you may be aware, EPA has received requests from various elected officials, as well as community members, for EPA to broadly evaluate the DEIS.

Although EPA has reviewed the DEIS in its entirety, consistent with EPA's public positions on the rezoning, EPA's focus is on ensuring that there is an appropriate evaluation of whether the rezoning plan is consistent with Superfund requirements and will protect the Superfund remedy, which was selected to be protective of public health and the environment by addressing the release and threatened release of hazardous substances at and from the Canal. EPA also has provided comments to other matters, reflecting the Agency's strong commitments to ensuring resilient development in the face of climate change and to environmental justice, particularly in the Gowanus neighborhood where EPA is cognizant of the presence of environmental justice areas of concern, and also the existence of substantial climate impacts on those and other nearby areas.

In addition to participating in the rezoning process, including by providing these DEIS comments, EPA will continue to separately exercise its federal Superfund oversight authorities to ensure that the protectiveness of the Site remedy is not compromised.

Summary of Comments

EPA's review of the DEIS has identified a number of inconsistencies in the presentation of wastewater and stormwater calculations in Chapter 11 and Appendix F of the DEIS. These are outlined further below. As is also discussed further below, the DEIS lacks adequate clarity in presentation and supporting information in the form of data, modeling inputs, and other assumptions for the CSO-related conclusions presented therein. As a result, it is unclear whether correcting and supplementing these items will allow the preparers to still conclude that the project would result in either no increase or a net reduction in CSO loading. Similarly, based on the information provided in the DEIS, EPA also cannot discern the effect that the City's pending 2021 Unified Stormwater Rule will have in offsetting increased sanitary sewage loading and reducing CSO discharges.

While EPA is, and will in the future be seeking some of this supplemental information about rezoning impacts from DEP under its Superfund oversight authority, EPA believes that these CSO discharge questions should be addressed in the DEIS as well, so that all interested parties can better understand the rezoning process.

EPA also notes several inconsistencies between the optimistic CSO-related projections found in the DEIS, and positions the City/DEP has taken in response to EPA's administrative orders to the City, including delays in the design and construction of the CSO retention tanks and the City's stated expectation that it will not fully comply with EPA's latest order.

Specifically, on July 14, 2021, the City submitted a letter, enclosed here, concerning its intent to comply with only certain provisions of EPA's March 29, 2021 administrative order (Order) issued to the City under Section 106 of CERCLA.[1] This Order requires the City to, among other things, construct and operate the two CSO retention tanks to prevent contaminated solids discharges to the Canal, which could compromise the in-Canal cleanup.

The City's letter asserts that it has sufficient cause not to comply with, among other things, the Order's deadlines for the work; requirements to ensure compliance with its stormwater regulations at new development projects (which would include the proposed 2021 Unified Stormwater Rule), including separation and treatment of stormwater at new Canal-side development projects and street-ends; and discharge monitoring and reporting requirements to ensure the CSO remedy remains effective. The City asserts that EPA's 2028 and 2029 CSO retention tank construction deadlines are not achievable by DEP, even though DEIS Figure 11-4 indicates that both tanks will be completed in 2028. The CSO-related conclusions in the DEIS are contradicted, rather than corroborated, by the positions the City has taken, post-DEIS, with regard to the CSO portion of the remedy EPA selected for the Superfund site.

[1] EPA disagrees with the validity of the positions set forth in DEP's July 14, 2021 letter, and will be responding separately.

Specific DEIS Comments

Sanitary and Stormwater Projections

EPA's review of the DEIS has found numerous inconsistencies in the presentation of wastewater and drainage calculations. For example, it does not appear that the results shown in Chapter 11 for sanitary flows and stormwater runoff calculations were used in the modeling results shown in Appendix F. In addition, the DEIS conclusions are not consistent with previous CSO calculations that DEP has provided to EPA during discussions of other aspects of work related to the Site. The discrepancies should be fully addressed.

For these reasons, as noted, with the information presented, EPA cannot assess what the net CSO discharge impacts will be from the proposed rezoning. In addition, EPA cannot assess the extent to which compliance with the proposed 2021 Unified Stormwater Rule will be able to mitigate the additional sanitary flows that will be generated by the proposed redevelopment. While these inconsistencies in the DEIS may not affect EPA's ability to evaluate performance of the CSO components of the 2013 ROD, which EPA can assess through its CERCLA authority, the lack of clarity should be resolved. Specifically, this document needs to clarify whether the inputs used in model development are consistent with earlier analyses and, if not, how updated model inputs were developed.

The key sanitary and stormwater projection issues are summarized below.

1) Inconsistent total flows are indicated:
   a) Page 11-4 states that the new development will be "generating additional sanitary flow of 1.29 [million gallons per day (mgd)]."
   b) Table 11-8 on page 11-16 states that an additional 1.98 mgd of wastewater will be generated as result of the rezoning.
   c) Appendix F, Table 3-4, states that the additional sanitary flow is 1.605 mgd.

2) Different residential wastewater generation rates are assumed, contrary to the City Environmental Quality Review (CEQR) manual and other standards:
   a) Page 11-22 states: "Additional dry weather sanitary flow was added to the model based on the projected no action residential population in the rezoning area, assuming a per capita wastewater generation of 73 [gallons per day (gpd)]." The same 73 gpd wastewater generation assumption is made for the "with-action" scenario on page 11-23. The 73 gpd is less than the 100 gpd specified in the CEQR manual and comparable guidelines, such as the Ten States Standards and other design guidelines, and it is inconsistent with other statements in Chapter 11 and Appendix F. Nor is there any explanation for using 73 gpd in this calculation.
   b) Table 3-4 in Appendix F, which is calculated based on a different methodology from the one cited above, known as a transit analysis zone, effectively utilizes a figure of 83.0 gpd when the calculations are normalized as unit sanitary flow for the rezoning, but higher and lower unit amounts are used for the baseline and without rezoning scenarios (see the yellow-highlighted column below that EPA has added to Table 3-4). This variation needs to be explained.

Scenario	Population in Rezoned Area	Sanitary Flow in Rezoned Area (MGD)	Sanitary Flow (gpd)
Baseline	6,541	0.640	97.8
2035, Without Rezoning	8,746	0.960	109.8
2035, With Rezoning	27,035	2.245	83.0

3) Table 11-4 on page 11-9 shows sanitary flows for four rainfall volumes for each of five "subcatchment areas" in the Red Hook Water Resource Recovery Facility (WRRF) service area and one Owls Head WRRF subcatchment area for the Existing Condition. The "Sanitary Volume to Combined Sewer System" (CSS) in millions of gallons (MG) appears to change from one size event to another, but should be constant for all scenarios because, while the stormwater volume may change, the sanitary load would not. The same is true in Tables 11-7 and 11-11 for the other scenarios. It also gives the impression that there are no sanitary flows from several of these catchment areas, which is, obviously, not possible. The supporting data, assumptions, and calculations are not presented in the DEIS.

4) During the past several years, the City has revised its CSO discharge models to include the improvements projected to result from the construction of the two EPA-required CSO retention tanks, as well as from DEP's green infrastructure and High-Level Sewer Separation projects. DEP provided typical year CSO discharge volume calculations to EPA at various times. The DEIS conclusions and the typical year CSO discharge volumes at specific outfalls shown below in Table 11-16 for the "No Action Condition" are not consistent with the LTCP, as well as other submittals by DEP to EPA, and it would be important to resolve such discrepancies coming from different NYC entities. For instance, DEP's estimates of CSO volumes from outfalls to the Canal post-retention tank construction provided to EPA in September 2018, were in some cases significantly different from estimates provided in the DEIS. In addition, Appendix F does not appear to be consistent with the modeling and engineering work presented to EPA at past meetings. It appears that new modeling may have been performed to represent new conditions (e.g., the retention tanks) using the methods the City has used previously, but EPA cannot piece together the City's previous submittals with those in the DEIS.

   <u>DEIS conclusions</u>:

   "The analysis found that, under the With Action condition, with the additional development facilitated by the Proposed Actions, CSO volumes would decrease as compared with the No Action condition despite the increase to sanitary flows from new development." - Page 11-4

   "The Unified Stormwater Rule benefits in the rezoning area more than offset the increase in sanitary flows and, even with the increased population and sanitary flow, would result in approximately 5 million gallons per year of CSO reduction to the Gowanus Canal." - Page 11-4

"The assessment found that the estimated pollutant loads to Gowanus Canal decreased, due to the decrease in CSO volumes as described above." - Page 11-4

From DEIS, Table 11-16:

Table 11-16
Detailed Analysis—CSO Volume

Outfall #	No Action Condition CSO Volume—Tank (MG)	With Action Condition CSO Volume—Tank (MG)	With Action Increment (MG)
OH-005	0.9	0.9	-
OH-006	18.4	18.3	-0.1
OH-007	10.2	9.9	-0.3
RH-030	17.1	16.2	-0.9
RH-031	19.4	18.2	-1.2
RH-033	0	0	-
RH-034	29.9	28.5	-1.4
RH-035	8.1	7.0	-1.1
RH-036	0.4	0.1	-0.3
RH-037	0.04	0.02	-0.02
RH-038	1.0	0.9	-0.1
Total	105.44	100.02	-5.42

Source: DEP, *Gowanus Canal CSO and Surcharging Assessment Technical Memorandum* (January 2021)

5) For example, on the west side of the Canal, the no-action discharge volumes shown in Table 11-16 for RH-035, where substantial rezoning would occur, are more than 2.5 million gallons higher than previous projections made available to EPA, and the Agency has not been provided with sufficient information to be able to understand how this value was determined.

6) The CSO discharge volumes shown in Table 4-2 of Appendix F are not consistent with Chapter 11 of the DEIS.

7) There appear to be inconsistencies between how sanitary flow and stormwater runoff calculations shown in Chapter 11 and Appendix F were performed for the "with" and "without" scenarios utilizing the proposed Unified Stormwater Rule.

Rainfall and Climate Resiliency

Watershed modeling performed by the City in support of the Gowanus Canal 2015 Long-Term Control Plan (LTCP) relied on a 2008 model storm year. The rainfall data for storm frequency, intensity and duration are critical inputs for the volume projections set forth in the DEIS. However, as reflected in EPA's response to public comments in the ROD, various stakeholders questioned the suitability of the rainfall data selections that had been utilized by DEP. Among other things, that rainfall data, which continues to be utilized in the DEIS, is from the National Oceanic and Atmospheric Administration (NOAA) weather station at JFK Airport, which is the lowest of the three NOAA weather stations, after Central Park and LaGuardia Airport. Although DEP is only mandated to utilize one rainfall year for purposes of the LTCP process, EPA is not aware of any guideline that would preclude the City from providing the public with a more comprehensive evaluation of alternative rainfall scenarios in the DEIS. EPA recommends that new watershed modeling be prepared for the Gowanus watershed that updates the analysis from

the 2008 model storm year to something more representative of expected future climate predictions.

In September 2020, the City released its updated "Climate Resiliency Design Guidelines," the primary goal of which is to incorporate forward-looking climate change data in the design of City capital projects. The City has projections for the metropolitan region that anticipate extreme weather will increase in frequency and severity and that the climate will become more variable. Of particular note for the Gowanus Neighborhood Plan, these projections include: 1) mean annual precipitation increasing between 4% to 13% by the 2050s and by 5% to 19% by the 2080s; and 2) sea level rising by 11 to 21 inches by the 2050s and by 18 to 39 inches by the 2080s. These climate change timeframes will overlap or follow those projected for the rezoning build-out.

Sea level rise is of equal importance to increased future rainfall, as there are certain CSO outfalls that are currently inundated by seawater entering the combined sewer system during certain tide cycles, and this problem is expected to worsen. When the sewer system capacity is compromised during high tides and storm surges, such as Hurricane Sandy, CSO overflows are blocked from discharging into the Canal, causing potential sewage backups and discharges at other locations.

It is unclear to EPA if the City expects these climate change projections to be incorporated into the baseline conditions in rainfall-related City planning evaluations, such as this DEIS. Like the alternative rainfall scenarios noted above, DEP could provide a probability analysis of the various impacts of the range of potential climate change outcomes on future projected CSO discharge volumes.

City Noncompliance/DEIS Inconsistency with EPA CSO-related Superfund Orders

For several years, the City has been in significant noncompliance with EPA Superfund administrative orders issued between 2014 and 2016 regarding the Site. EPA included a partial summary of this noncompliance in paragraphs 50-54 of the Order, available online at: https://semspub.epa.gov/work/02/620708.pdf

As is noted above, on July 14, 2021, the City submitted a letter concerning whether it intends to comply with the Order. The City's letter disputes various terms of the Order. This is of concern for several reasons, including the fact that many of the Order provisions that the City disputes are central to the stormwater and sewer analysis set forth in the DEIS. The City's past non-compliance (principally through DEP actions/inaction) and stated intention to not comply with various CSO stormwater-related aspects of the Order, including the CSO retention tank construction deadlines, is of importance to EPA's comments on the DEIS, in part because the timely design and construction of the CSO retention tanks required by EPA's orders is an assumed precondition of much of the DEIS's analysis of stormwater and sewer outcomes of the proposed actions.

For instance, as mentioned above, the City asserts in DEIS Figure 11-4 that both CSO retention tanks will be complete in 2028, whereas in its correspondence with EPA, DEP has argued that meeting EPA's 2028 and 2029 CSO retention tank deadlines in the Order is not achievable. It

should be noted that the Order containing this construction schedule was issued to the City on March 29, 2021, several weeks in advance of the April 19, 2021 issuance of the DEIS.

The City also asserts that it has sufficient cause not to comply with EPA's Order requirements to ensure compliance with existing and future stormwater regulations (which would include the pending 2021 Unified Stormwater Rule) to separate and treat stormwater at new Canal-side development projects and street-ends as well as to perform discharge monitoring and reporting to ensure the CSO portion of the remedy remains effective. In contrast, the DEIS presumes compliance with the City's stormwater rules, projects CSO discharge reductions that cannot be readily verified now and provides no mechanism for future confirmation or correction.

EPA believes that in anticipation of potential redevelopment, the ROD is sufficiently clear in requiring that any future activities that fall under the City's purview, including development by other parties that requires approval by the City, do not compromise the protectiveness of the Gowanus Canal remedy. Among other things, the ROD specifically states:

> *Current and future high density residential redevelopment along the banks of the canal and within the sewershed shall adhere to NYC rules for sewer connections (Chapter 31 of Title 15 of the Rules of the City of New York) and shall be consistent with current NYCDEP criteria (NYCDEP, 2012) and guidelines to ensure that hazardous substances and solids from additional sewage loads do not compromise the effectiveness of the permanent CSO control measures by exceeding their design capacity. For example, redevelopment projects will need to take mitigation measures to prevent or offset additional sewer loadings. Separated stormwater outfalls will also require engineering controls to ensure that hazardous substances and solids are not discharged to the Canal.* [ROD at page 84.]

Absent the City's recognition of EPA's Superfund authority to require the City to ensure appropriate implementation of its stormwater regulations for purposes of implementing the ROD, the City is potentially reserving the option to waive the application of its own stormwater rules when reviewing projects at the Site. As a result, there is no assurance that either the current or anticipated stormwater regulations will be implemented in a manner that achieves the CSO discharge projections set forth in the DEIS.

One potential resolution for achieving the goal of a net zero increase in CSO discharges to the Canal, as stated by certain City elected officials and community groups, as well as avoiding negative impacts to the Site remedy, may be the inclusion in any final rezoning of a condition that the City fully comply with EPA's Superfund orders, which include the timing for constructing the CSO retention tanks and ensuring appropriate implementation of stormwater regulations, stormwater separation/treatment, monitoring, and reporting.

Public Place/Citizens Manufactured Gas Plant Site

A portion of the former Public Place/Citizens Manufactured Gas Plant (MGP) site on Smith Street has been proposed as a mixed-use redevelopment project that includes affordable housing, market-rate housing, and a new school. EPA is working with NYSDEC to address questions

raised about this former MGP site. It is the largest group of contiguous parcels within the area of the rezoning proposal.

Developing new affordable housing is a valuable tool in combatting housing challenges faced by low-income residents. Recent concerns from a variety of public officials and Gowanus stakeholders have called into question the viability of the Public Place site for either affordable housing or public use, such as a new public school, citing environmental justice concerns, stemming from the yet-to-be-completed cleanup of the former MGP at that location.

By agreement between the agencies, NYSDEC generally has the lead on the upland cleanups along the Canal, subject to certain reservations in the ROD. EPA's primary Superfund focus is ensuring that the Public Place/Citizens site cleanup mitigates future contaminant releases to the Canal. In light of public concerns, EPA is also working closely with NYSDEC to assure that the upland cleanup will meet the level of cleanup necessary for the site's intended future uses. EPA believes that it is feasible for the site to be cleaned up to allow for the types of land uses currently under consideration. As part of EPA's assessment of the Public Place remediation effort, EPA and NYSDEC have agreed to work cooperatively with all parties involved to ensure that the remediation will be protective of public health and the environment, and that the basis for the remedy is clearly communicated to the public.

Environmental Justice

EPA is cognizant that the Gowanus area includes Environmental Justice areas of concern, including the proposed affordable housing at Public Place and with respect to the many residents living in existing public housing. In the DEIS, Chapter 3 (Socioeconomic) touches on some of the same issues. EPA recommends an environmental justice analysis be incorporated into Chapter 3. This chapter already analyzes the potential for economic displacement as a consequence of the "with-action" activities. This analysis might include evaluating the net displacement of people with lower economic mobility to perceivably less desirable subareas of the study area, or elsewhere, and whether that may result in more exposures to pollution. If the City would like assistance from EPA in this regard, or would like to discuss this matter further, please reach out to David Kluesner, Director of Strategic Programs, Office of the Regional Administrator, at 212-637-3653 or Kluesner.dave@epa.gov.

Conclusion

EPA will continue to separately exercise its federal Superfund oversight authorities to ensure that the protectiveness of the ROD remedy is not compromised.

EPA's Order requires monitoring to help determine remedy effectiveness and whether and to what degree any mitigation will be required. EPA will also continue to evaluate calculated sanitary flows, drainage, and mitigation of stormwater discharges to the Gowanus Canal for proposed redevelopment projects on a case-by-case basis. These actions are all independent of the proposed rezoning and the proposed 2021 Unified Stormwater Rule.

EPA looks forward to engaging with the City, the community, and other stakeholders so that the appropriate information is available for a productive consideration of the Superfund environmental issues raised by the rezoning proposal.

Sincerely yours,

Doug Garbarini, Chief
New York Remediation Branch
Superfund and Emergency Response Division

Enclosure

cc: Honorable Vincent Sapienza, P.E.
Commissioner, DEP

Robert D. Fox
484-430-2312
rfox@mankogold.com

Admitted in PA, NJ and NY

401 CITY AVENUE, SUITE 901
BALA CYNWYD, PA 19004
TEL: 484-430-5700
FAX: 484-430-5711
WWW.MANKOGOLD.COM

A LIMITED LIABILITY PARTNERSHIP
FORMED IN PENNSYLVANIA

Partner responsible:
John F. Gullace (NJ)
Brenda H. Gotanda (HI)

July 14, 2021

Via Electronic and First-Class Mail
Brian Carr, Assistant Regional Counsel
United States Environmental Protection
Agency – Region 2290 Broadway – 17th Floor
New York, NY 10007-1866

Re: Gowanus Canal Superfund Site ("Site")
Administrative Order for Remedial Action, Removal Action and Remedial Design, CERCLA 02-2021-2019

Dear Mr. Carr:

I am writing on behalf of the City of New York (the "City") in response to the above-referenced Administrative Order for Remedial Action, Removal Action and Remedial Design, which was issued by the United States Environmental Protection Agency ("EPA") to the City on March 29, 2021 and subsequently amended by EPA by letter dated June 29, 2021 (as amended, the "Order").

On April 29, 2021, Ms. Kathryn DeLuca, Esq. conducted a conference with the City under paragraph 123 of the Order. At the conference, the City set forth numerous technical and legal concerns regarding certain work requirements in paragraph 73 of the Order. Mr. Brian Carr, Esq. requested that the City propose clarifying language to certain provisions in Paragraph 73 where EPA and the City agreed on the intent of the provisions, but the language of the Order needed revision to clarify that intent. By email dated May 4, 2021, I provided this language on behalf of the City.

By letter dated May 5, 2021, Ms. DeLuca requested that the City submit a written letter detailing the concerns raised at the April 29th conference, which the City submitted to EPA on May 12, 2021. By email dated May 19, 2021, Mr. Thomas Lieber, Esq. notified the City that EPA decided to extend the effective date of the Order to allow the Agency sufficient time to consider the concerns the City raised.

By letter dated June 29, 2021, EPA provided its response, which included, *inter alia*, amending certain wording of Paragraph 73 "for purposes of clarification." The City's proposed

clarifying language submitted to Mr. Carr on May 4th was largely rejected, and more generally, the revisions to the Order did not address the City's legal and technical concerns.

EPA's June 29th letter stated that the Order would become effective on June 30, 2021, and directed the City to provide written notice to EPA stating whether it will comply with the terms of the Order by July 7, 2021. Due to the July 4th holiday, EPA subsequently granted an extension of the deadline to provide written notice until July 14, 2021.

Pursuant to Section XXVI of the Order, the City hereby notifies EPA that the City will comply with the Order by performing the CSO design and CSO remedial action work required by the Order, as well as the removal action for design and construction of a bulkhead at property owned by the City where the OH-007 CSO tank will be constructed. To that end, the City continues to advance the design, removal and remedial action work required by the Order. Specifically:

- the City completed procurement for the OH-007 Tank Remedial Design by May 31, 2021;

- based on the current design, the City expects completion of the procurement for the Salt Lot/2nd Avenue Bulkhead by December 31, 2021;

- Although the Order contains no deadlines for CP-1 and CP-1A for the RH-034 tank work, CP-1 and CP-1A bids were received on June 23, 2021 and July 8, 2021 respectively, and DEP expects to proceed with award and registration of these contracts following due diligence evaluation of the bids, and the apparent low bidder's EH&S performance.

However, consistent with the issues raised at the conference and in our subsequent correspondence with the Agency, the City has sufficient cause not to comply with the following components of the Order:

i. the Order's deadlines for the work, which are impossible to achieve for technological reasons, City-mandated procurement processes and financial reasons;

ii. the Order's requirements regarding separate storm sewers, which extend beyond the scope of the CSO controls selected in the September 27, 2013 Record of Decision ("ROD") and are inconsistent with the National Contingency Plan, 40 C.F.R. § 300 *et seq.*;

iii. the Order requirements regarding enforcement of City regulations and EPA's approval of property locations proposed to be used in connection with the

construction of the OH-007 Tank, which extend beyond EPA's authority to compel under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, and are therefore invalid; and

iv. Certain requirements in paragraphs 73.d. and 73.f. of the Order that are vague and devoid of standards such that the City has inadequate direction as to how to comply with the Order.

The City's reasons for not complying with these specific aspects of the Order are grounded in objective evidence, and its position is reasonable and made in good faith. Further, alleged non-compliance with the Order based on the good faith bases identified herein is not willful non-compliance with the Order. Finally, the City does not admit the factual findings and legal conclusions in the Order.

I. The Sufficient Cause Defense

A. Sufficient cause for not complying with a UAO includes a reasonable belief that the UAO is invalid or requires work that is inconsistent with the NCP.

CERCLA permits EPA to seek civil penalties and punitive damages when a party willfully and without sufficient cause fails to comply with an EPA UAO. Specifically, with respect to civil penalties, 42 U.S.C. § 9606(b)(1) states:

> (b) Fines; reimbursement
>
> (1) Any person who, ***without sufficient cause***, ***willfully*** violates, or fails or refuses to comply with, any order of the President under subsection (a) ***may***, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $25,000[1] for each day in which such violation occurs or such failure to comply continues.

(emphasis added).

42 U.S.C. § 9607(c)(3), regarding the availability of punitive damages, states:

> (c) Determination of amounts

[1] Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, the current maximum daily penalty, adjusted for inflation, is $58,328.00.

> (3) If any person who is liable for a release or threat of release of a hazardous substance fails ***without sufficient cause*** to properly provide removal or remedial action upon order of the President pursuant to section 9604 or 9606 of this title, such person ***may*** be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action.

(emphasis added).

CERCLA does not define "sufficient cause" and EPA has not promulgated regulations or issued guidance as to what the term means. *See*, e.g. *Gen. Elec. Co. v. Jackson*, 595 F. Supp. 2d 8, 19 (D.D.C. 2009), *aff'd*, 610 F.3d 110 (D. C. Cir. 2010) (noting that the EPA's failure to issue guidance defining "sufficient cause" may be poor policy.") However, "Circuit Courts of Appeal have interpreted 'sufficient cause' to mean a 'good faith' or 'objectively reasonable basis for believing that the EPA's Order was either invalid or inapplicable to it.'" *Emhart Indus., Inc. v. New England Container Co., Inc.*, 274 F. Supp. 3d 30, 80 (D.R.I. 2017). "A party may meet this standard by demonstrating 'that the applicable provisions of CERCLA, EPA regulations and policy statements, and any formal or informal hearings or guidance the EPA may provide, give rise to an objectively reasonable belief in the invalidity or inapplicability of the clean-up order.'" *Id.*; *see also United States v. Barkman*, No. CIV. A. 96-6395, 1998 WL 962018, at *17 (E.D. Pa. Dec. 17, 1998), *on reconsideration in part*, No. CIV.A. 96-6395, 1999 WL 77251 (E.D. Pa. Feb. 5, 1999) ("'Sufficient cause' has been interpreted to mean that the party had a reasonable belief that it was not liable under CERCLA or that the required response action was inconsistent with the national contingency plan."). Therefore, sufficient cause exists based upon a reasonable, good faith belief of the invalidity of the UAO (e.g., not in accordance with law or otherwise arbitrary and capricious), the inapplicability of the UAO (e.g., the recipient is not a liable party), or the UAO requires work that is inconsistent with the NCP. Any of these bases establishes sufficient cause not to comply with a UAO.[2] As set forth below, the City has established sufficient cause not to comply with certain provisions of the Order on these grounds.

[2] 42 U.S.C. § 9606(b)(1) also requires a "willful violation." In a case prior to the Superfund Amendments and Reauthorization Act ("SARA"), a court noted that the term "willful" in and of itself provided a defendant with a "good faith" defense:

> Section 9606(b) authorizes a district court to award fines against '[a]ny person who *willfully* violates, or fails or refuses to comply with, any order of the President under subsection (a)....' (emphasis added). The key rests with the word 'willful' which traditionally is synonymous with bad faith. … Assuming the inclusion of the willfulness standard, a good faith defense may be read into § 9606(b).

Wagner Seed Co. v. Daggett, 800 F.2d 310, 316 (2d Cir. 1986). The SARA amendment then added the "without sufficient cause" language to the provision.

B. Sufficient cause also includes "substantial compliance" with a UAO or non-compliance if compliance is impossible.

Courts also acknowledge explicitly that "substantial compliance" and the doctrine of "impossibility" are proper grounds for satisfying the "sufficient cause" defense. In *Employers Ins. of Wausau v. Browner*, the Court stated:

> The most difficult case is where the party cannot complete the required action for reasons beyond its control. … The statute requires compliance with the clean-up order, but compliance need not be a matter of all or nothing. In contract law, substantial compliance with contractual duties is often compliance enough. *Hardin, Rodriguez & Boivin Anesthesiologists, Ltd. v. Paradigm Ins. Co.*, 962 F.2d 628, 636 (7th Cir. 1992); *Jacob & Young's, Inc. v. Kent*, 230 N.Y. 239, 129 N.E. 889 (1921) (Cardozo, J.). The doctrines of impossibility, impracticability, and frustration, which operate as implied terms in contracts, sometimes excuse noncompliance with contractual duty altogether. These familiar defenses, along with a concept of substantial compliance as sufficient when to require more would be unreasonable, could be considered—we need not decide whether they are—implied terms in EPA orders as well.

52 F.3d 656, 664 (7th Cir. 1995).

CERCLA's legislative history also indicates that "impossibility" qualifies as "sufficient cause." In the legislative debate concerning the passage of CERCLA, Senator Stafford, one of the bill's sponsors, engaged in a colloquy on the meaning of "without sufficient cause" with Senator Simpson:

> There could also be "sufficient cause" for not complying with an order if the party subject to the order did not at the time have the financial or technical resources to comply **or if no technological means for complying was available**.

(emphasis added) H.R. REP. NO. 1016, 96th Cong., 2d Sess., pt.#1, at 304 (1980) (to accompany H.R. 7020), reprinted in 2 SUPERFUND: A LEGISLATIVE HISTORY 429, 445 (Helen C. Needham ed., 1982). *See also* J. Wylie Donald, *Defending Against Daily Fines and Punitive Damages Under CERCLA: The Meaning of "Without Sufficient Cause"*, 19 Colum. J. Envtl. L. 185, 193 (1994) ("Second, the Senator listed the lack of financial or technical means as sufficient cause not to comply. Lack of technical means seems noncontroversial. If the cleanup

cannot physically be done, it would be absurd to penalize a party for not doing it."); Memorandum from Don R. Clay to James M. Strock: Guidance on CERCLA Section 106(a) Unilateral Administrative Orders for Remedial Designs and Remedial Action 15 (Mar. 7, 1990) n. 37, *available at* https://www.epa.gov/sites/production/files/documents/cerc106-uao-rpt.pdf ("The technical difficulty of response actions should be considered before issuing unilateral orders.").

The City satisfies both grounds for establishing a sufficient cause defense. First, the City will not just comply "substantially" with the Order's substantive CSO work requirements. The City intends to comply fully. The City will design and build the CSO tanks and bulkhead adjacent to the OH-007 tank. Second, meeting the deadlines for design and construction unilaterally imposed by EPA is impossible and impracticable for technological reasons, due to City mandated procurement processes, contracting rules and structures, and for financial reasons as set forth in detail below.

II. The City Has Sufficient Cause For Not Complying With The Order's Design and Construction Deadlines, Which Are Impossible to Meet for Technical, Contracting and Financial Reasons.

A. The history of the proposed CSO tank schedules demonstrates that the schedule in the Order is arbitrary and capricious.

The schedules for the design and construction of the CSO tanks at RH-034 and OH-007 proposed by the City and EPA provide the starting point for the City's sufficient cause defense. In December 2018, as part of its presentation to EPA on a potential alternative to the CSO tanks, the City provided EPA with the City's current schedule for design and construction of the CSO tanks. The schedule reflected two facts: (i) CP-1 (the Site demolition work) for the RH-034 tank would be delayed due to EPA's determination, along with the State Historic Preservation Office, that brick salvage was required for the façade at 234 Butler Street, and (ii) DEP held off on design work on OH-007, other than the preparation of the draft Basis of Design Report (BODR), performance of preliminary geotechnical investigations, and preparation and issuance of the environmental impact statement (EIS), while EPA considered the Tunnel alternative. Based on these facts, the City's schedule provided that RH-034 tank construction would be completed by September 30, 2030 and the OH-007 tank construction would be completed by December 31, 2029.[3]

EPA did not provide any written response to the City's proposed schedule until November 20, 2020. On that date, EPA proposed a schedule requiring construction completion

[3] The City's proposed schedule contained all of the interim design and construction dates to meet these ultimate construction completion dates. The subsequent schedules submitted by the City did the same.

dates of June 30, 2029 and June 30, 2028 for the RH-034 and OH-007 tanks respectively. EPA's schedule accelerated the construction completion dates provided by the City by 15 months for RH-034 and 18 months for OH-007. EPA offered no technical support for its proposed schedule and no technical comments on the schedule that the City proposed to EPA almost two years earlier.

In response to EPA's proposed schedule, the City diligently evaluated ways to accelerate the schedule despite the intervening delays in CP-1 for RH-034 and for the design of OH-007 while EPA considered the tunnel alternative. Specifically, the City proposed schedule acceleration by (i) limiting built-in risk and uncertainty factors to the City's schedule that are typical and inherent in complex projects of this nature, (ii) proposing extended working hours where appropriate, and (iii) providing a notice to proceed for next stage of work **before** the prior stage of work is completed, a completely unprecedented contracting process for the City. Through this aggressive schedule re-evaluation, on December 7, 2020 the City proposed construction completion dates of August 31, 2030 and June 30, 2029 for the RH-034 and OH-007 tanks respectively. Compared to the proposed schedule the City submitted to EPA in December 2018, this schedule saved one month on construction completion for RH-034 and six months for OH-007, achieved by using unprecedented, costly measures described above, measures that created great financial impacts and risk to the City.

The City provided a detailed presentation to EPA demonstrating the basis for the City's accelerated schedule. Following that meeting, the City also provided EPA with its written Basis of Schedule Reports for each of the RH-034 CSO Tank construction phases, and every assumption that the City used in developing the accelerated schedule. The City's schedule for the OH-007 tank construction is consistent with the final draft BODR, which is a planning document. The design for each the OH-007 CSO Tank CPs and corresponding Basis of Schedule reports will be developed under the OH-007 detailed design contract that was procured in May 2021.

On January 15, 2021, EPA transmitted a new proposed schedule. The schedule proposed construction dates that were not just earlier than the City's revised schedule, but also earlier than **EPA's own schedule** that it had proposed to the City less than two months prior. EPA provided no technical rationale for reversing its own course, and no comments on the City's detailed basis for its accelerated schedule.

To say the least, the City was troubled by EPA's further acceleration of the schedule, especially because EPA had not provided the City with any technical basis for its decision. The City therefore requested a further technical workshop with EPA to address each milestone date in EPA's latest schedule. The City also requested a copy of any technical evaluation performed by EPA or its consultant in advance of the workshop, but none was provided.

The workshop was held on January 29, 2021. During that workshop, EPA's consultant stated for the first time that EPA's schedule was based on several other projects the consulting firm had worked on. The consultant provided two-sentence descriptions of each of these projects at the workshop, and to this day neither EPA nor the consultant has provided the City with any detailed information concerning them.

That said, based on even the limited descriptions that were provided to the City at the workshop, the projects are wholly incomparable to the RH-034 and OH-007 CSO Tank projects. For example, the Lower Harbor Brook Facility in Onondaga, New York is located in a suburban area, with wide open space for staging laydown and construction support, requires minimal piping because the interceptor sewer is right in front of the tank and includes no screening or grit removal. Similarly, the Truman School CSO tank in New Haven, Connecticut has no head house, no odor control and no screening grit removal, and is located on an open lot with no significant site preparation or demolition work required. It is simply a tank with a submersible pump for dewatering. Finally, the Strategic Tunnel Enhancement Program Pumping Station in Abu Dhabi, UAE is not even a CSO tank. The geotechnical conditions are far more favorable for construction, it is not located in an urban area, and it has plenty of staging and laydown space. It also would presumably not have the procurement and labor requirements that the City must satisfy. And none of these other projects required a CERCLA remediation on the very site where the tanks were constructed.

On March 29, 2021, with no further technical discussion with the City, EPA issued the Order with a scheduled completion date for RH-034 of March 31, 2029 and for OH-007 of May 1, 2028. The completion for RH-034 is 17 months earlier than the City's schedule, which the City demonstrated is the earliest achievable completion date, and three months earlier than the date EPA itself proposed in November 2020. The Order's completion date for OH-007 is May 1, 2028, 13 months earlier than the earliest achievable date demonstrated by the City, and two months earlier than the date EPA itself proposed in November 2020.

The above chronology demonstrates that the schedule imposed by EPA in the Order (i) contradicts EPA's own prior proposed schedules, (ii) lacks any technical support, and (iii) relies upon other projects' schedules that are not comparable or relevant to the design and construction schedules for the complicated, urban construction work necessary for the RH-034 or OH-007 tanks at a CERCLA site. The Order's schedule is therefore arbitrary and capricious and the City has sufficient cause not to comply with it.

B. The process used by the City to develop its schedule was rigorous, consistent with industry standards and demonstrates that no earlier dates are achievable.

The City followed a rigorous process to develop achievable schedules for the RH-034 and OH-007 CSO tanks based on industry standards, professional engineering judgment,

practical experience from other City CSO tank projects, and lessons learned from other complex construction projects in urban environments with tight site constraints.

The City has completed the procurement of an engineering consultant contract to provide planning, permitting, detailed design, assistance during bidding, design services during construction, and startup assistance for the 8 million gallon tank at RH-034 and for the 4 million gallon tank at OH-007.

For both efforts, this work is being performed by Hazen and Sawyer and Brown and Caldwell with support from several specialty consultants. Separate engineering consultant contracts will be solicited for the construction management (CM) of this work. As the construction work packages are fully developed by the design consultant to the 100% design level of completion, the City will procure services for the CM (beyond RH-034 CP-1, which has a CM procured) and construction contractors to implement the work.

For both the RH-034 and OH-007 CSO tanks, the City has established three design/construction work packages at each site:

> Construction package 1 (CP-1) is a site preparation contract. This contract will demolish existing structures on sites, disconnect and/or relocate any in-service utilities, and provide a secure site perimeter for work that will follow. For RH-034, an additional site preparation contract has been added – CP-1A – site preparation for the Parcel I contractor staging area, distinct from the site prep contract focused on the future site of the tank, headhouse, and public amenities at Parcels VI and VII.
>
> Construction package 2 (CP-2) includes most of the belowground work. It includes construction of the support of excavation, the excavation, stabilization, and disposal of soils, and construction of the foundation for the facility.
>
> Construction package 3 (CP-3) includes aboveground construction on the facility itself as well as the conveyance necessary to integrate the facility with DEP's infrastructure.

As part of the design consultant's scope of work for the RH-034 and OH-007 contracts, schedules have been developed by the project team. As detailed below, the durations for each CP have been developed based on current information available and the level of engineering completeness for each of the CSO tank projects. In the case of RH-034, the schedules are based on detailed engineering from the 90% design for each CP. The OH-007 schedule is based on the Final Draft Basis on Design Report (May 2018).

In developing these schedules, the project team was comprised of experienced and well-regarded engineering firms and individuals who have engineered and delivered numerous CSO tank facilities similar to the planned RH-034 and OH-007 facilities across the United States and who have extensive familiarity with the construction phasing, sequencing, and challenges with similar facilities. The lead scheduler, Tom Zakrzewski, the Project Controls Manager for RH-034 and OH-007, was previously the Scheduling Engineer for the DEP's Paerdegat Basin CSO Facility located in Brooklyn, NY. Paerdegat is one of several of DEP's CSO tanks in operation, and it was constructed using a similar phased CP approach and comparable construction techniques/elements (such as a slurry wall, cast-in place concrete, pump back facilities, and odor control). The schedules developed and presented in the Basis of Schedule Report and summarized below draw upon that experience. Further, the City integrated a new subconsultant, NASCO, to the project in 2018 with separate expertise in cost and schedule controls. Upon retention, the new subconsultant conducted a detailed bottom-up review of the RH-034 construction schedules. Notably, its findings aligned directly with those that the core project team that had been advancing since 2016.

Additionally, the construction schedules are based on the unique considerations and rules governing construction and its associated impacts in the City as well as the challenges of working in an ultra-urban environment, all of which can significantly impact production rates and site deliveries. The February 22, 2018 Environmental Impact Statement (EIS) developed for this project identifies these challenges and the commitments the City must satisfy for this project. EPA was provided a copy of the EIS and provided no comments thereon. Specifically, the EIS codifies many of the City's environmental commitments which must be followed during the construction program with respect to working hours, noise, odors, dust, traffic control through defined mitigation activities. Therefore, as discussed above, comparisons to scheduled durations or construction costs from other municipalities must be adjusted due to the unique characteristics of performing work in the City both in terms of the physical environment (density of construction, limited laydown/staging area, complexity of subsurface construction given volume of competing utilities) and legal environment (Standard City construction contract, the City MWBE requirements (limitations on work hours and work days, etc.), including commitments in the EIS.

It is also important to note that although the City's one-year timeframe for procurement of construction contracts may be considered long when compared to other municipalities or the private sector, the City's schedule provides for starting all procurement as early as possible and in parallel with the preceding construction contract where possible. In addition, the City's schedule also assumes that the notice to proceed for each subsequent contract will be issued prior to the end of the preceding contract (3-6 months depending on the particular CP) in order to remove the preparation and approval of submittals, and material procurement from the overall construction critical path. The City incorporated this procedure in order to accelerate the schedule as much as possible, even though it creates additional risk to the City in the event that

completion of the preceding contract is delayed for any reason. In other words, the City would be liable for payments under the succeeding contract even when no work commenced if the preceding contract had not yet been completed. For that reason, the procurement process the City has developed for this project is extremely aggressive, risky and unprecedented.

1. The basis of schedule for RH-034

This section describes and presents the scope of work, approach and assumptions used to develop the Critical Path Method ("CPM") construction schedules for the RH-034 CSO tank that have been previously shared with EPA. Four CPs have been established for the construction of the RH-034 tank: CP-1 (site preparation of tank site); CP-1A (site preparation of contractor laydown/staging area); CP-2 (belowground work); and CP-3 (aboveground work). A Basis of Schedule report has been submitted to DEP for each CP at each design phase (30%, 60%, and 90%); additional detail on the schedules can be found in those reports, including the detailed construction schedules utilizing the CPM of scheduling. Primavera P6 Professional, Version 16.1, software was utilized to prepare the individual schedules that are summarized herein.

The Order does not include dates for CP-1 procurement, CP-1 start construction, CP-1 complete construction, CP-2 procurement, or CP-2 start construction. However, the City's current anticipated dates for those milestones are presented and discussed below in order to provide a comprehensive schedule for the entire RH-034 construction program.

The schedules presented for RH-034 were developed using the following documents / information:

- 90% Design Drawings & Specifications
- 90% Cost Estimate
- Input from DEP
- Input from Project Team, Industry Professionals, and Experienced Contractors
- Applicable DEP Standard Operating Procedures (SOPs)
- AACE Recommended Practices (RPs)
- Lessons learned from similar projects that have already been completed.

a. Construction schedule: CP-1 site preparation.

The table below provides the City's schedule developed for CP-1:

Table 1. CP-1 Site Preparation

	Phase	Start	Finish	Duration (months)

Table 1. CP-1 Site Preparation				
	Phase	Start	Finish	Duration (months)
City	Procurement	11/15/2020	10/1/2021	10.5
City	Construction	10/1/2021	12/31/2022	15

The critical path for the CP-1 scope of work consists of disconnecting existing utilities, removal of hazardous equipment, hazardous materials abatement in structures, demolition of structures with preservation of available brick, backfilling to grade and installation of a perimeter fence around the property. This work is estimated to cost approximately $20 million.

This critical path is inherently sequential in nature, which presents minimal opportunities for concurrent work that could potentially accelerate completion. Disconnecting utilities prior to demolition is imperative from a health and safety perspective, and abatement of hazardous materials is needed so necessary precautions are taken before potential asbestos and other hazardous materials are disturbed during demolition, which would lead to greater exposure risk for contractors and the surrounding community. The process of preserving ~80 year old brick is intricate and time-consuming, as there is limited on-site supply and EPA has required maximizing the redeployment of existing brick rather than using faux-aged brick that is a visual match. In isolation, the brick issue adds three months to the CP-1 schedule and eventual commissioning of the CSO facility.

Factors that complicate the CP-1 schedule include:

- Approval from the City's Department of Buildings (DOB) Construction Safety Compliance Group (CSCG, formerly BEST Squad) approval will be required before demolition can begin. Coordination with DOB has been initiated and taken as far as possible prior to Contractor selection and notice-to-proceed.

- Significant regulated material abatement (asbestos, lead, PCBs) is required in the existing ~80-year-old buildings.

- There is the potential that additional USTs and abandoned utilities, and historical / archeological artifacts will be discovered during the work (allowances have been included in CP-1, but could increase in scope and duration).

- The City must conduct brick-by-brick demolition of the 234 Butler Street and Nevins Street building facades until approximately 38,900 bricks are preserved. This scope requires employment of a Conservator to oversee this work.

Schedule assumptions for CP-1 are as follows:

- All buildings at both locations are assumed to have the same level of hazardous material contamination.

The following crew sizes were used in developing the schedules:

- Electrical Demolition – 4 to 6 person crews.
- Mechanical/Utility Demolition – 2 to 4 person crews.
- Building Demolition – 10 to 15 person crews.
- Hazardous Material Abatement – 10 to 15 person crews.
- Site Work / Restoration – 4-to-8-person crew.

b. Construction schedule: CP-1A site preparation

The table below presents the DEP schedule developed for CP-1A:

Table 2. CP-1A Site Preparation

	Phase	Start	Finish	Duration (months)
City	Procurement	1/1/2021	12/31/2021	12
City	Construction	1/1/2022	12/31/2022	12

The scope of work for CP-1A consists of similar activities as CP-1 – disconnecting existing utilities, removal of hazardous equipment, hazardous materials abatement of structures, backfilling to grade and installation of a perimeter fence around the property. This work is estimated to cost approximately $12 million.

CP-1A lacks a brick preservation component which drives the shorter construction duration as compared to CP-1. That said, as with CP-1, several logistical constraints limit the City's ability to accelerate construction because the work is inherently sequential in nature. Demolishing a structure necessitates disconnecting utilities and abating legacy materials prior to the physical deconstruction of the structure.

Factors that complicate the CP-1A schedule include:

- Approval from the City's DOB CSCG is required before demolition can begin – only controlled demolition is allowed. Coordination has been initiated for CP-1 and will be expanded to include CP-1A.

- The work entails significant steel and concrete demolition, along with required separation / recycling and landfill waste diversion.

- Significant regulated material abatement (asbestos, lead, PCBs) required in ~70-year-old building.

The following crew sizes were used in developing the schedules:

- Electrical Demolition – 4 to 6 person crews.

- Mechanical/Utility Demolition – 2 to 4 person crews.

- Building Demolition – 10 to 15 person crews.

- Hazardous Material Abatement – 10 to 15 person crews.

- Site Work / Restoration – 4-to-8-person crews.

c. Construction schedule: CP-2 below-groundwork

The table below presents the City's schedule developed for CP-2:

Table 3. CP-2 Belowground Work

	Phase	Start	Finish	Duration (months)
City	Procurement	4/1/2021	9/30/2022	18
City	Construction	10/1/2022	6/30/2027	57

The scope of work for CP-2 consists of a groundwater/construction water treatment system; on-site slurry production; support of excavation (SOE) slurry T-wall panels installed approximately to 200 foot depth to bedrock to create a watertight bathtub; excavation, stabilization and off-site disposal of contaminated soils (105,000 cubic yards); subsurface structural construction (tie downs, base slab, tank walls, top slab); influent/effluent structures

to/from tank to RH-034 regulator; and jet grout mat at base of influent/effluent structures. This work is estimated to cost approximately $390 million as of 90 percent design.

Factors that complicate the CP-2 schedule include:

- Limited construction staging / support area.
- SOE construction adjacent to unlimited source of water (Canal).
- Poor and challenging geotechnical conditions as demonstrated by current building settlement issues.
- Fulton MGP bulkhead/cutoff wall deadmen and structural support features (designed and constructed by National Grid, approved by EPA) within 10 feet from edge of SOE. These features must be protected during construction. For example, weight limits are now imposed in the area between the bulkhead and SOE, 600 psf effectively reducing the total area available to support the construction due to Fulton MGP bulkhead/cutoff wall design.

As with CP-1 and CP-1A, the work is inherently sequential, with limited opportunity to advance on parallel fronts in series. Having an operational Construction Water Treatment System (CWTS) prior to subsurface construction is essential to achieving discharge requirements necessitated both by permit and in the environmental review process. The construction of the SOE – essentially, a watertight bathtub – must precede the removal activity for any excavation to proceed at an acceptable production rate unencumbered by infiltration. Once the SOE is in place, the removal activity will proceed with one truck being prepped, filled with stabilized soils, decontaminated, and hauled off site every 12 minutes, for up to ten hours a day for 229 workdays. Only once the removal activity is complete can concrete be poured for the structural base slab of the tank and structures.

DEP schedule assumptions for CP-2 are as follows:

- SOE
  - Tank SOE T-panel construction is estimated to require 305 workdays. This assumes two fronts, with an average excavation rate of 10 yd/hr and concreting rate of 95 yd/hr (10+ trucks/hr) per front.
  - Due to the excavation depth and volume of concrete required for the slurry wall panels, construction of the slurry wall SOE is anticipated to work a 10-hour shift, 5 days a week.

- 10-hour days for SOE / Conveyance / Excavation Work Activities.

- Removal Activity
  - 105,000 cubic yards of soils are estimated for removal (includes soil stabilization additives and expansion factor due to excavation). This assumes one truck being loaded every 12 minutes (229 workdays, 370 yds/d).
  - An estimated 1,200 piles will be removed as part of the CSO tank excavation activity. This assumes removal of 3 piles per hour.
  - Truck loading will take place 8 hours per day.
  - Trucks also need to be weighed in, queued, loaded, decontaminated, etc.
  - Large influent and effluent conduit construction is required.

EPA's schedule duration is 9 months shorter than the City's schedule. EPA's duration does not appropriately account for the complex and difficult construction required for the support of excavation, and does not provide for reasonable average productivity rates for the significant volumes of soil to be excavated, and concrete foundations to be poured.

d. Construction schedule: CP-3 aboveground work

Table 4. CP-3 Aboveground Work

	Phase	Start	Finish	Duration (months)
City	Procurement	1/1/2026	12/31/2026	12
City	Construction	1/1/2027	8/31/2030	44

The scope of work for CP-3 consists of the construction of the significant CSO facility superstructure enclosure and architecture (24,300 square feet in total), installation of process mechanical and electrical equipment, start-up / testing, facility commissioning and construction of new sewer conveyance within Nevins Street to pick up adjacent overflows. This work is estimated to cost approximately $240 million as of 90% design (i.e., prior to integrating the SHPO MOA requirements for the reconstruction of the 234 Butler Street facades in place).

As with preceding construction packages, the work is highly sequential. The building must be physically constructed and waterproofed before process mechanical equipment can be

installed. Once process mechanical equipment (pumps, screens, grit classifiers, etc.) is physically in place, it must be connected electrically, which is needed to test and commission equipment. Supporting disciplines such as HVAC fans and ducts must also be installed (and wired) for the facility to operate in accordance with operational feedback and environmental commitments.

Factors that complicate the CP-3 schedule include:

- The above-ground elements are a complex facility with significant equipment, conduit, and wiring.
- The construction is based on over 2,100 contractor submittals, approximately 35 large systems and witness tests and over 1,030 individual shop drawings.
- CP-3 involves significant procurement and installation of complex equipment/systems.
- CP-3 requires significant start-up and testing effort for facility commissioning.
- CP-3 cannot proceed until there are completed and accurate as-built drawings from CP-2 (~230 drawings).
- CP-3 requires an additional Sewer Conveyance path ~3 months off critical path (headhouse structure and process mechanical). This conveyance path is less likely to be able to be accelerated given the complexity of underground utilities and requirement to capture/convey other CSOs.

EPA's schedule is nearly 1 year shorter than the City's schedule. EPA's schedule does not provide sufficient time to construct the building enclosure, nor account for the significant complex construction required to procure, install, start up and test each individual system, nor the facility as a whole.

2. <u>The basis of schedule for OH-007</u>

This section describes and presents the scope of work, approach and assumptions used to develop the CPM construction schedules for the OH-007 CSO tank that have been previously shared with EPA. The schedules are based on the draft BODR from May 2018. The OH-007 schedules also rely on the information and knowledge gained from the advancement of the RH-034 design schedules and construction of the Paerdegat CSO Facility.

Similar to RH-034, the City envisions three CPs for the construction of the OH-007 tank: CP-1 (site preparation of tank site); CP-2 (belowground work); and CP-3 (aboveground work).

a. BODR: CP-2 and CP-3

Before proceeding with the detailed design of CP-2 and CP-3 DEP, the design engineer must update and validate the May 2018 draft BODR that was prepared for the OH-007 Tank under a separate contract The draft BODR must be reviewed to account for any changes in codes or standards, incorporate coordination with the OH bulkhead design (design completed December 2020), and capture any changes in operator preferences and other design changes that were implemented at the RH-034 Tank Design. The City proposed four months for this task. The Order requires that the Work be completed in three months, which will not be enough time to present and discuss the changes noted above to the operating bureaus and other stakeholders, conduct the required workshops, solicit feedback and prepare responses, and finalize and issue the updated BODR report.

b. Construction schedule: CP-1 site preparation

Table 6. CP-1 Site Preparation

	Phase	Start	Finish	Duration (months)
City	Design	6/1/2021	6/30/2022	13
City	Procurement	7/1/2022	6/30/2023	12
City	Construction	7/1/2023	9/30/2024	15

Similar to the RH-034 CP-1, the design effort requires assessments and investigations of existing structures on adjacent private property in order to prepare design for demolition and abatement of regulated materials (50-70 year old buildings). The scope of construction phase of work for CP-1 consists of many of the same elements as the RH-034 CP-1 work including disconnecting existing utilities, removal of hazardous equipment, hazardous materials abatement of structures, demolition of structures, backfilling to grade and a perimeter fence around the property. The construction period also accounts for construction of new temporary facilities for Department of Sanitation (DSNY), relocation of DSNY, then demolition of the existing DSNY facility. This work is estimated to cost approximately $15 million as of the draft BODR.

Some of the factors that complicate the CP-1 schedule include:

- Second Avenue Pump Station must remain in service through CP-1, CP-2 and much of CP-3, including BWT access.

- The DSNY facility must remain operational, especially during winter months (critical to public health and safety). Planning is needed to relocate the Salt Shed

South of 5th Street before decommissioning the existing structure and relocation cannot be conducted until structures south of 5th Street are cleared.

- There has been no access to date to perform building assessments for scope of demolition and hazardous / regulated materials abatement (different than RH-034 which featured extensive pre-design investigation (PDI) and site inventory of a Conservator to oversee this work).

The schedule in the Order is one month shorter than the City's proposed schedule of 13 months to complete the CP-1 design and is not achievable due to the need to access, inspect and assess the private properties and buildings south of 5th street. The conditions of those buildings and the required designs to abate regulated material and demolish them are unknown. Similarly, the schedule in the Order for CP-1 construction is 3 months shorter than DEP's proposed schedule of 15 months, and is not achievable because of the potentially significant remediation / removal of regulated materials required prior to demolition. In addition, EPA's schedule does not account for the need to maintain DSNY operations throughout the CP-1 construction, which requires demolition of the existing buildings south of 5th Street, construction of new temporary DSNY facilities, relocation of DSNY operations to the new facilities, and then demolition of the existing DSNY facilities in a sequential manner.

c. Construction schedule: CP-2 below-groundwork

The table below presents the City's schedule developed for CP-2.

Table 7. CP-2 Belowground Work

	Phase	Start	Finish	Duration (months)
City	Design	10/1/2021	9/30/2023	24
City	Procurement	1/1/2023	6/30/2024	18
City	Construction	7/1/2024	8/31/2027	38

Similar to the RH-034 CP-2, the scope of the design and construction for OH-007 will consist of a groundwater/construction water treatment system; on-site slurry production; support of excavation (SOE) slurry T-wall panels installed approximately to the depth to bedrock to create a watertight bathtub; excavation, stabilization and off-site disposal of contaminated soils; subsurface structural construction (tie downs, base slab, tank walls, top slab); influent/effluent structures to/from tank; and jet grout mat at base of influent/effluent structures This work is estimated to cost approximately $227 million as of the draft BODR.

Factors that complicate the CP-2 schedule include:

- Additional geotechnical and environmental borings required to support SOE design.
- Remediation requirements are currently undefined.
- Irregular parcel (triangular, not rectangular) adds constraints/ limits working fronts, with access only from the south.
- Dead end street poses access and logistical challenges.
- CP-2 must maintain 2nd Avenue Pumping Station existing outfall structures.
- CP-2 requires shared site access (5th street) for construction work and vehicles and DSNY.

EPA's schedule duration for CP-2 design is three months shorter than the City's schedule and is not achievable. EPA's duration does not appropriately account for the performance of the geotechnical and environmental boring/sampling program necessary to inform the design, nor does it appropriately account for the complex nature of the design due to the unique characteristics of the site such as the limited staging, proximity to the bulkhead/Canal, and high groundwater.

EPA's schedule duration for CP-2 construction is seven months shorter than the City's schedule and again is not achievable. EPA's duration does not appropriately account for the complex and difficult construction required for the support of excavation, especially in close proximity to the Canal, and does not provide for reasonable average productivity rates for the significant volumes of soil to be excavated, and concrete foundations to be poured.

d. Construction schedule: CP-3 aboveground work

The table below presents the City's schedule developed for CP-3:

Table 8. CP-3 Aboveground Work

	Phase	Start	Finish	Duration (months)
City	Design	10/1/2021	12/31/2023	27
City	Procurement	4/1/2026	3/31/2027	12
City	Construction	4/1/2027	6/30/2029	27

Similar to RH-034 CP-3, the scope of the design and construction design for OH-007 CP-3 will consist of the CSO facility superstructure enclosure and architecture, installation of process mechanical equipment, start-up / testing, facility commissioning and conveyance construction. Additionally, the 2nd Ave Pumping Station will be replaced. This work is estimated to cost approximately $95 million as of the draft BODR.

Factors that complicate the CP-3 schedule include:

- CP-3 design requires significant coordination and approval by BWT, and other internal DEP stakeholders.
- CP-3 is a complex facility with significant equipment, conduit and wiring.
- CP-3 requires significant start-up and testing effort for facility commissioning.
- Complete and accurate as-built drawings from CP-2 are necessary to allow for early CP-3 activities.

EPA's schedule duration for CP-3 design is three months shorter than the City's schedule and is not achievable. EPA's schedule does not account for the evaluation of, iteration through, presentation of, and review of the design with the City's technical and operating staff, and other stakeholders, which is critical for the delivery of the design of such a complex facility.

EPA's schedule duration for CP-3 construction is three months shorter than the City's schedule and again is not achievable. EPA's schedule does not provide sufficient time to construct the building enclosure, nor does it account for the significant complex construction required to procure, install, start up and test each individual system and the facility as a whole.

The information detailed above demonstrates the technological and procurement requirements that make EPA's schedule in the Order arbitrary and capricious. The City has thoroughly and painstakingly documented why its proposed schedule is the most aggressively achievable schedule. Accordingly, the City has sufficient cause not to meet EPA's milestones. Simply stated, the City cannot perform the impossible. The City will perform the CSO and bulkhead work under the Order, but has sufficient cause not to comply with the Order's unilaterally imposed and unachievable deadlines.

C. Financial reasons demonstrate that the City has sufficient cause not to meet EPA's unilaterally imposed design and construction schedules.

In addition to these technological and procurement bases for the City's sufficient cause defense regarding the Order's schedule, the City also has sufficient cause not to comply with the Order schedule due to financial constraints. Cost is an NCP Criterion. The City and DEP continue to face a period of significant fiscal uncertainty directly caused by the ongoing COVID-19 pandemic. Compounding these issues is the financial hardship confronting many New Yorkers across the City and State. DEP expects substantial financial impacts on ratepayers related to the projected parallel schedules for multiple large State and Federal mandated projects including, but by no means limited to, the Gowanus Canal CSO Tanks. DEP is seeking to logically plan these projects in light of ratepayer financial burdens and critical needs of existing infrastructure. On their own, the costs of the CSO tanks, which are far greater than forecasted in the Record of Decision[4] (without EPA issuing an Explanation of Significant Differences to explain its forecasting error, let alone account for the newly mandated services set forth in the Order), will require ratepayers to bear a significant financial burden. Now, the schedule for the mandates of the Order will require DEP to prioritize the CSO tanks over, and thereby delay, other projects that would benefit a larger number of customers, serve a larger service area, or address time critical system needs, such as upgrading or replacing aging core system assets. Further, the City faces ongoing fiscal uncertainty, due to the continued reduced level of economic activity in, and travel to, the City. The uncertainty makes it difficult for the City to estimate its revenues or cash position, in addition to creating uncertainty around expected construction costs, debt market conditions, and other variables important to accurate long-term financial planning.[5]

III. The City Has Sufficient Cause For Not Complying With Paragraphs 73.a., 73.c. And 73.d. Of The Order Because The Requirements Of Those Paragraphs Are Inconsistent With The ROD And The NCP, Beyond EPA's Authority Under CERCLA And Otherwise Legally Invalid.

A. The Order's requirements regarding treatment units for separate storm sewers, sampling and reporting related to these treatment units, and separating stormwater are not part of the CSO remedy selected in the ROD and are inconsistent with the NCP.

[4] The ROD estimated the costs for both CSO tanks at approximately $78 million. The Order now seeks financial assurance of $1.1 billion to construct these tanks. Order at ¶50.

[5] In paragraph 50 of the Order, EPA states that the City, in the Administrative Settlement Agreement and Order for Remedial Design, Removal Action and Cost Recovery, Index No. CERCLA-02-2016-2003 for the Gowanus Canal Site (the "City Consent Order"), waived its right to claim financial inability to comply with certain aspects of the RH-034 tank project. That waiver does not apply to the OH-007 tank, which is not subject to the City Consent Order.

Paragraphs 73.c. and d. of the Order, as amended by EPA's June 29, 2021 letter, provide in part as follows (EPA's revisions shown in redline):

> c. Stormwater Controls: Beginning upon the Effective Date of this Order, Respondent shall ensure appropriate implementation of applicable City regulations for sewer connections (Chapter 31 of Title 15 of the Rules of the City of New York) and stormwater control regulations and standards, as set forth in the ROD, ~~at minimum,~~ and as may be updated in City regulations and guidelines, for project plan approvals within the Gowanus Canal sewershed, to ensure that hazardous substances and solids from additional stormwater and sewage loads do not compromise the effectiveness of the remedy, and the permanent CSO control measures by exceeding their design capacity. ~~See ROD at page 85.~~ When implementing or approving municipal sewer infrastructure upgrades which discharge to the Gowanus Canal, and/or private stormwater controls ~~within the Gowanus Canal sewershed~~ along the banks of the Canal, stormwater shall be separated ~~for discharge to the Gowanus Canal~~ to the maximum extent practicable, and such stormwater discharges shall be treated pursuant to paragraph 73.d below.
>
> d. Separated Outfall Treatment Units: Beginning upon the Effective Date of this Order, Respondent shall install, operate and maintain EPA-approved treatment units at all newly constructed or upgraded City-owned separated stormwater outfalls, including street end discharges, at the s~~S~~ite. Respondent shall continue to operate and maintain any existing treatment units previously installed at City-owned separated storm water outfalls at the site. Respondent shall require the installation, operation, and maintenance of treatment units at all privately owned separated stormwater outfalls at the site that are ~~owned by or~~ approved by Respondent after the Effective Date and are not otherwise covered by a NYSDEC discharge permit. The~~se~~ treatment units required by this subparagraph shall ~~should~~ have the capacity to effectively separate oil contamination and capture solids from stormwater runoff, prior to discharging to the Canal.[6] The responsibility to

[6] There is no standard in the Order, the ROD or any other document for capture of solids or effectiveness of separation of oil contamination from separate sewer discharges. See footnote 10 *infra*.

> install, operate and maintain EPA-approved treatment units at ~~all~~ separated stormwater outfalls discharging any stormwater from City-owned property or streets may be delegated to private property owners as part of redevelopment plan approvals, but Respondent shall track, oversee and remain responsible for such Work.

As reflected by the language in paragraphs 73.c. and 73.d., these requirements apply to separate storm sewers owned by the City currently and in the future, and those owned by unrelated parties. Paragraphs 73.c. and 73.d. further provide that even for third-party owned storm sewers connections, the City remains responsible for separating stormwater and for maintaining and monitoring the required treatment units.

While the ROD includes some of the language from paragraphs 73.c. and 73.d. in describing general engineering controls, in the context of addressing sewage loads, paragraphs 73.c. and 73.d. of the Order would impose requirements that do not appear anywhere in EPA's remedy selection process for the Gowanus Canal. They do not appear in any of the alternatives analyzed pursuant to the NCP in the Feasibility Study prepared by EPA, nor do they appear at all in the Feasibility Study Addendum EPA published with the ROD. They do not appear in the evaluation and selection of the preferred remedy set forth in EPA's Proposed Plan for the Site. And, in the final ROD issued by EPA, they are not listed in any of the alternatives evaluated as part of the final selected remedy.

The only references to separated sewers in the ROD, which in large part contain similar language, are as follows[7]:

> Current and future high density residential development along the banks of the Canal within the sewershed would need to adhere to NYC rules for sewer connections (Chapter 31 of Title 15 of the Rules of the City of New York) and be consistent with recently adopted NYC criteria for on-site stormwater control and green infrastructure (NYCDEP, 2012) so as to ensure that hazardous substances and solids from additional sewage loads do not compromise the effectiveness of the permanent CSO control measures by exceeding their design capacity. Separated stormwater outfalls may also require source controls pursuant to

[7] The ROD summary, at iii, contains similar language to the statements in the body of the ROD:

> Implementation of appropriate engineering controls to ensure that hazardous substances and solids from separated stormwater, including from future upland development projects, are not discharged to the Canal.

> applicable SPDES permits and best management practices. In particular, such separated stormwater outfalls would need to utilize appropriate engineering controls to minimize the discharges of hazardous substances and solids.

ROD at 56.

Also:

> Site management controls relating to future sewer capacity would be necessary to maintain the effectiveness of the CSO measures. Specifically, controls would be utilized to ensure that current and future high-density residential development projects along the banks of the Canal and within the sewershed would be constructed consistent with NYC guidelines (NYCDEP, 2012) so as to not exceed control capacity therefore avoiding the contribution of new sewerage discharges to the canal that could compromise the remedy. Separated stormwater outfalls may also require discharge treatment controls.

ROD at 72.

And:

> Current and future high density residential redevelopment along the banks of the canal and within the sewershed shall adhere to NYC rules for sewer connections (Chapter 31 of Title 15 of the Rules of the City of New York) and shall be consistent with current NYCDEP criteria (NYCDEP, 2012) and guidelines to ensure that hazardous substances and solids from additional sewage loads do not compromise the effectiveness of the permanent CSO control measures by exceeding their design capacity. For example, redevelopment projects will need to take mitigation measures to prevent or offset additional sewer loadings. Separated stormwater outfalls will also require engineering controls to ensure that hazardous substances and solids are not discharged to the Canal. Pilot projects supported by federal and City grants are currently under way for the control of street runoff along the Gowanus Canal using green street ends.

Id. at 85.

On their face, these aspirational statements in the ROD in no way constitute a remedy selection. They speak in terms of general engineering controls, pilot studies and green infrastructure. They focus primarily on sewage loads, not stormwater. Nowhere do they discuss or evaluate specific treatment technologies or performance standards for storm water flows. And most importantly, the statements lack any remedy evaluation, as is required for the selection of any remedy, consistent with the NCP. There was no screening of various engineering controls, no evaluation or comparison of remaining engineering controls against the nine NCP criteria, including the threshold criteria of overall protectiveness and compliance with ARARs. 40 C.F.R. § 300.430.

One additional fact further demonstrates that EPA did not select any treatment remedy for separate storm sewers in the ROD, let alone do so consistently with the NCP. The NCP requires EPA to identify any significant changes to the remedy that were made after publication of the Proposed Plan and before issuance of the ROD. 40 C.F.R. § 430(f)(3)(ii). As stated above, no document prior to the ROD included any remedy evaluation for separated storm sewers. In the section of the ROD entitled Documentation of Significant Changes, there is no mention of any remedy for separated storm sewers. ROD at 93-94. Therefore, in EPA's own words, that remedy was not evaluated upon issuance of the Proposed Plan nor identified as a significant change in the ROD.

Proper remedy selection relating to storm sewers is particularly important because storm sewers are independently regulated under the Clean Water Act. For that reason, EPA has long advised coordination between these two programs. By skipping remedy selection for storm sewers as part of the Gowanus Superfund Site, EPA has created potential inconsistencies and conflicts between these programs. Simply stated, the requirements in paragraphs 73.c. and 73.d. of the Order are not consistent with the ROD nor the NCP and therefore are invalid. Accordingly, the City has sufficient cause not to comply with the requirements in that portion of the Order.

On a related note, paragraph 50 of the Order states that in the City Consent Order, the City waived its right to challenge "the CSO remedy." Order at ¶50. While there are explicit exceptions to that waiver, the exact language of the City Consent Order is as follows:

> Respondent waives and agrees not to assert any claims, causes of action, defenses or challenges relating to the **selection** of the **CSO controls** in the September 27, 2013 ROD, including the costs attributable to the design and construction of the RH-034 tank at the Canal-side Property rather than the Park Property and the concurrent design of the RH-034 tank for the Park Property.

(emphasis added). City Consent Order at ¶104.

The waiver is explicitly limited to claims, causes of action, defenses or challenges relating to the **selection** of **CSO controls**. By definition, separate sewers are not CSOs and control of separate sewers and storm discharges, as required by paragraphs 73.c. and 73.d. of the Order, are not CSO controls. Moreover, in the ROD, EPA did not select a remedy for treatment of the discharges from separate storm sewers. Therefore, the City has not waived its right to challenge any remedy selection for separate sewers, including without limitation, a challenge on grounds that imposition of a remedy for separate storm sewers was not made consistently with the NCP.

Paragraph 73.c. of the Order also includes additional requirements that are not part of the ROD. Paragraph 85 of the ROD applies by its terms only to regulation of "additional sewage loads." In contrast, in paragraph 73.c. the Order imposes those requirements on "stormwater and sewage loads."

B. The Order's requirements regarding EPA approval of property locations proposed to be used in connection with the construction of the OH-007 Tank (¶ 73.a.) and enforcement of City's regulations (¶ 73.c.), are beyond EPA's authority under CERCLA and invalid.

Paragraph 73.a. of the Order, as amended by EPA's June 29, 2021 letter, provides as follows (EPA's revisions shown in redline):

> a. Respondent shall construct the RH-034 Tank and OH-007 Tank following EPA approval of the 100% designs for each respective tank, in accordance with those designs and within the time frames set forth in Appendix B. Any ~~property acquisition~~ locations proposed by Respondent to be used in connection with ~~for~~ the construction of the OH-007 Tank shall be subject to EPA approval, and whatever access or property interest is needed for those EPA-approved locations shall be obtained by Respondent ~~shall be completed~~ so as to meet the time frames set forth in Appendix B.

The federal government lacks authority to approve property acquisition by a local government, or to mandate that the City obtain access to any property.[8] The City has the right under Article IX § 1(e) of the New York State Constitution "to take by eminent domain private

[8] This requirement is also inconsistent with paragraph 89 of the Order, which merely requires the City to use best efforts to obtain access, and indeed provides that "EPA may use its legal authorities to obtain access for Respondent."

property within [its] boundaries for public use...." As the City exercises the power of eminent domain pursuant to State authorization, the City is, as a political subunit of the State, exercising the State's eminent domain power – which is one of the State's inherent sovereign powers. EPA's assertion of authority over the City's exercise of eminent domain would be tantamount to an impermissible federal interference with a state's sovereign powers. *See, e.g.*, *Superintendent of Public Works v. Paonesso*, 14 Misc. 2d 787, 790 (County Court of New York, Niagara County 1958) ("The Federal statute of eminent domain [the Federal Power Act] merely gives to a licensee that does not have the power of eminent domain such a right but it is not intended to interfere with the power of eminent domain already existent in a State agency and the State does not surrender such power of eminent domain by the acceptance of a license."); *Long Island Water Supply Co. v. Brooklyn*, 166 U.S. 685, 692 (1897) (holding that eminent domain comes from the "right and duty of [every political sovereign community to] guard[] its own existence, and of protecting and promoting the interests and welfare of the community at large."); *see generally* 1 Nichols on Eminent Domain § 1.141[3].

In situations where the City acquires property using federal funding, the Uniform Relocation Assistance and Real Property Acquisition Act sets out the minimum requirements the City must follow. However, this statute contains no provision giving the federal government authority over *which* properties are to be acquired. *See* 42 U.S.C. § 4601 *et seq.* EPA has no authority to approve property acquisition related to the construction of the OH-007 tank or to require the City to obtain access to the property.

Paragraph 73.c of the Order, as amended by EPA's June 29, 2021 letter, provides in part as follows (EPA's revisions shown in redline):

> c. Beginning upon the Effective Date of this Order, Respondent shall ensure appropriate implementation of applicable City regulations for sewer connections (Chapter 31 of Title 15 of the Rules of the City of New York) and stormwater control regulations and standards, as set forth in the ROD, ~~at minimum,~~ and as may be updated in City regulations and guidelines, for project plan approvals within the Gowanus Canal sewershed, to ensure that hazardous substances and solids from additional stormwater and sewage loads do not compromise the effectiveness of the remedy, and the permanent CSO control measures by exceeding their design capacity. ~~See ROD at page 85.~~ When implementing or approving municipal sewer infrastructure upgrades which discharge to the Gowanus Canal, and/or private stormwater controls ~~within the Gowanus Canal sewershed~~ along the banks of the Canal, stormwater shall be separated ~~for discharge to the Gowanus Canal~~ to the maximum extent practicable, and such

stormwater discharges shall be treated pursuant to paragraph 73.d below.

Paragraph 73.c.'s requirement that the City ensure "appropriate" implementation of its own regulations is likewise not within EPA's power to order. As the Order acknowledges, DEP has the authority to review and approve sewer connections under 15 RCNY Chapter 31. Based on that authority, DEP may direct developers to connect to available combined or separate sewers as applicable and require stormwater controls for certain qualifying development where these options are available. However, these are decisions that are within the authority of DEP, not EPA. The City proposed a resolution to this issue in the proposed edits to this sentence provided to Mr. Carr on May 4, but the proposed edits were not adopted in the final Order as amended.

Further, requiring that approvals of private stormwater controls provide that "stormwater shall be separated to the maximum extent practicable" would require private developers to seek State Pollutant Discharge Elimination System (SPDES) permits from the New York State Department of Environmental Conservation (DEC) where the option of direct discharge was available. In this instance, the authority to grant such a permit is not with DEP or EPA, but instead with DEC.

The U.S. Supreme Court has made clear that the federal government does not have the power to enforce local or state regulations, nor the power to force local or state governments to enforce or implement local or state regulations in a particular manner. *See, e.g., New York v. United States*, 505 U.S. 144, 188 (1992) (holding that while the federal government and the states could both regulate low level radioactive waste, the federal government could not simply direct the states to enact and enforce a federal regulatory program); *Printz v. United States*, 521 U.S. 898, 935 (1997) (Congress cannot circumvent commandeering prohibition by conscripting state officials directly). It is axiomatic that if commandeering state and local governments to enforce federal regulations is beyond the authority of the federal government, so too is commandeering state and local governments to enforce *their own* regulations in a manner that the federal government dictates.

Therefore, the City has sufficient cause not to comply with these requirements in paragraphs 73.a. and 73.c.

IV. The City Has Sufficient Cause For Not Complying With Paragraphs 73.b., 73.c. And 73.d. Of The Order Because The Requirements In Those Paragraphs Are Arbitrary And Capricious, Inconsistent With The NCP, And Are Technically And/Or Financially Impossible or Impractical to Implement.

Separate and apart from the legal invalidity of the requirements in paragraphs 73 as set forth above, the City has sufficient cause not to comply with the requirements of paragraphs

73.b., 73.c., and 73.d. because (i) these paragraphs impose requirements that are technically and/or financially impracticable or impossible and thus do not meet NCP criteria, including implementability and cost, and (ii) in any event, the City has substantially complied with EPA's express purpose for those requirements: preventing recontamination of the in-Canal remedy. Specifically, the City has sized and designed the two CSO tanks to achieve percentage CSO solids reduction well beyond ROD requirements while accounting for significant growth in population in the Gowanus watershed. In addition, the City is seeking to expand its regulations City-wide to both separate and combined sewer areas through a Unified Stormwater Rule (USWR), the implementation of which will regulate the treatment and amount of stormwater that enters the City's sewer system, including in the combined sewer area surrounding the Gowanus Canal. The City believes that the USWR once promulgated will regulate the flow of stormwater that enters the City's combined sewers sufficiently so as not to compromise the effectiveness of the permanent CSO control measures.

The specific technical and financial impossibility and impracticability in paragraphs 73.b., 73.c. and 73.d. are discussed below.

A. Reporting on Solids Removal under Paragraph 73.b.

Paragraph 73.b. of the Order, as amended by EPA's June 29, 2021 letter, provides as follows (EPA's revisions shown in redline):

> a. CSO Tank Operation and Maintenance: Following completion of construction of the RH-034 and OH-007 Tanks, respectively, Respondent shall properly operate and maintain such Tanks. Respondent shall submit to EPA a quarterly report summarizing the operation and maintenance status of such Tanks, including the volume of water treated, the total amount of solids that entered the treatment system, and the amount of solids captured (as weight of materials ~~sludge~~ shipped off-~~S~~site). Respondent shall submit the proposed form and contents of the quarterly reports for EPA approval.

The City objects to the requirement set forth in paragraph 73.b. that DEP report to EPA on "the volume of water treated, the total amount of solids that entered the treatment system, and the amount of solids captured as weight of materials shipped off-site" at each of the CSO tanks. The CSO facilities will have the ability to remove solids from the combined sewage that enters the tank, but the solids will consist mostly of grit, such as sand, gravel and other inorganic components, which would not be contaminated with ROD COCs. This grit will be captured in containers along with screenings residuals and will be shipped offsite, and there are no provisions for weighing those containers. Organic solids, which may be contaminated with COCs, will remain in the tank and be pumped to the wastewater facility following the storm;

thus, measuring the amount of solids captured "as weight of materials shipped off-site" is not only impossible to accurately determine, but also not an appropriate measurement of solids captured at each CSO tank.

B. Separation of Sewers under Paragraph 73.c.

As set forth above, EPA does not have legal authority to require the City to enforce or implement local stormwater regulations. Even if EPA had that authority, however, the City does not have the ability to comply with all aspects of the requirements set forth in paragraph 73.c. For example, paragraph 73.c., as amended, requires that "when implementing or approving municipal sewer infrastructure upgrades which discharge to the Gowanus Canal and/or private stormwater controls within the Gowanus Canal sewershed along the banks of the Canal, stormwater will be separated to the maximum extent practicable, and such stormwater discharges shall be treated pursuant to paragraph 73.d. below."

DEP regulations establish requirements for connections to available combined or separate sewers, however, replacing combined sewers with separate sewers to the "maximum extent practicable," does not mean that infrastructure upgrades or newly approved private stormwater controls will include separate sewers because of limitations inherent in the combined sewershed that surrounds the Gowanus Canal and incorporating new separated sewers into the drainage plan. Separate storm sewers are not always prudent in low-lying areas like Gowanus – significant storms, coupled with sea level rise and/or storm surges would likely require pumping in order to provide relief from flooding. Additionally, DEP's Drainage Plan was created as a combined system, so generally it has smaller pipes discharging into larger pipes as you go inland to a regulator on the Interceptor. Storm pipes would need to be installed in the opposite direction with smaller inland pipes discharging to larger pipes as you go towards the water where outfalls will be located.

Recently, DEP received a permit sewer connection application for a development along the canal that highlights the problems associated with separating sewers in this area. The developer had indicated that, in accordance with the Order, it will send sanitary loads to the combined sewer; that it will separate and treat stormwater from the site; and that it will discharge the on-site stormwater to the canal pursuant to a SPDES permit it will obtain from NYSDEC. DEP has no objection to these aspects of the developer's plan. However, the development also includes the creation of a new street that ends at the canal, and the developer has proposed separating and treating stormwater from the new street and discharging it to the canal from a second outfall at the street end. This is problematic for several reasons.

First, it is impractical for DEP to maintain separate infrastructure in the same street, *i.e.*, combined sewer moving away from the canal and separated sewer traveling to the canal. It is also impractical for DEP to plan for separated sewers in a piecemeal fashion instead as part of its comprehensive drainage plan. This piecemeal approach also adds an unnecessary burden on the

ratepayers, particularly in flood prone areas where there is significant potential for backups related to sea level rise and increased storm events. Finally, during the vast majority of storms, combined flow would be treated at the City's wastewater treatment plants, especially after the CSO tanks are constructed and operational. Thus, in this situation, DEP believes that the most practical solution is to require the developer to connect to the combined system for both sanitary loads and stormwater loads from the new street.

Moreover, the requirement to construct and operate new separated stormwater sewers would be financially burdensome and DEP does not have the resources and funding to undertake such a substantial increase in assets. Again, EPA is requiring the City to expend further funds that were not contemplated or analyzed in the Feasibility Study, PRAP or ROD without compliance with the NCP.

C. Reporting under Paragraph 73.c.

Paragraph 73.c., as amended, requires the City to submit to EPA an annual report beginning in 2022 summarizing "the major project plan approvals and completions for the preceding calendar year within the Gowanus Canal sewershed, as well as the projected net changes in sanitary and stormwater loadings related to completed projects." As part of the application for connection to the City sewer system, an applicant must provide the proposed sanitary discharge, proposed development site storm flow, allowable flow from the site and/or the stormwater release rate from the site in accordance with DEP rules. DEP thus receives information on the projected storm and sanitary flows, as applicable. However, DEP's approval of a project does not mean that the project will be implemented. Further, pollutant loadings from sanitary and stormwater flows are calculated through modeling, are not expected to change significantly on an annual basis and are better measured on a long-term basis. Thus, DEP believes that beginning in 2023 reporting the number of stormwater management pollution prevention plans for approved and/or completed projects, including the number of post construction management practices triggered by the City's stormwater regulations, should be sufficient. This clarification was included in the proposed edits conveyed to Mr. Carr on May 4th, but was rejected by EPA.

D. Treatment Units at Separated Sewer Outfalls under Paragraph 73.d.

In addition to the legal issues discussed above, there are many technical issues relating to the installation of outfall treatment units. End of pipe controls are very difficult to retrofit to existing systems due to hydraulic constraints, and head losses imposed by new treatment systems could cause flooding issues upstream. Further, the streets in the Gowanus sewershed are already congested with other utilities, and it could be difficult to find space in the streets for end of pipe treatment systems. Vortex treatment units require specific flow rates and hydraulic designs that may not be met with retrofits. Finally, treatment units can be difficult to maintain depending on location in street, as they often end up under parking spaces, or require street

closing in order to inspect, maintain and clean. This is precisely why these remedial alternatives should have been thoroughly evaluated consistent with the NCP.[9]

In addition, the City recently conducted a pilot study on separate storm water treatment technologies including hydrodynamic vortex separators in the Gowanus Canal Watershed and the monitoring data was provided to EPA. The data suggests vortex separators were no more or less effective than other technologies such as catch basins inserts or existing catch basins. For this reason, because the treatment units were not selected in the ROD consistent with the NCP, the City has sufficient cause not to maintain any such existing units.

E. Reporting of oils and solids captured from separate storm sewers under Paragraph 73.d.

Paragraph 73.d. of the Order, as amended, further provides in part as follows (EPA revisions shown in redline):

> Commencing on January 31, 2022, Respondent shall submit to EPA an annual report summarizing the location of such treatment units and their maintenance status, including the amounts of oil and solids removed from each unit, and the results of semi-annual testing of the water at the exit point of the treatment units to ensure the functionality of the units. The treatment unit testing shall include solids content, VOCs, SVOCs, and heavy metals. Respondent shall submit the proposed form and contents of the annual reports for EPA approval. Respondent shall request EPA approval for treatment units on a project-by-project basis, or, as appropriate, for a set of standardized units.

There is no standard in paragraph 73.d. of the Order, the ROD or any other document for capture of solids or effectiveness of separation of oil contamination from separate sewer discharges. The City also objects to EPA's requirement that DEP must report the amount of solids and oils removed from *each* outfall treatment unit, as it is technically infeasible and unduly burdensome. The City further objects to the requirement that it must test the treatment units for contaminants that are not contaminants of concern identified in the ROD (VOCs,

[9] Not only are the requirements of paragraph 73.d. relating to the installation and operation of treatment units at separated stormwater outfalls not authorized by the ROD or consistent with the NCP, but they are also unduly burdensome considering that the City is already required to meet water quality standards under the Clean Water Act. Except in very limited circumstances, DEP does not currently have treatment or sampling infrastructure at storm outfalls or street ends. While DEP's LTCP program requires chlorination/dechlorination and floatables control, these requirements only apply to a small number of CSO outfall locations associated with a CSO tank or other large conduit. This requirement would add a substantial amount of additional infrastructure to be maintained and/or monitored by DEP.

SVOCs). Indeed, this requirement suggests that EPA will require DEP to install outfall treatment units that remove these contaminants even though they are not identified in the ROD, and treating for such contaminants would significantly increase the cost of these treatment units.

F. CSO Solids Monitoring under Paragraph 73.e and CSO maintenance dredging under Paragraph 73.f.

Paragraphs 73.e. and 73.f. of the Order, as amended by EPA's June 29, 2021 letter, provide as follows (EPA's revisions shown in redline):

> e. CSO Solids Monitoring: Respondent shall monitor post-dredging CSO solids contaminant levels pursuant to an EPA-approved Monitoring Plan ("Plan"). The Plan shall include periodic in-Canal monitoring of ~~CSO solids~~surface sediment recontamination levels and annual tracking of CSO solids loading from each CSO outfall, including a detailed description for how the CSO outfall solids loading is calculated~~.~~, for the purpose of determining whether CSO solids removal will be required to mitigate impacts to sediment from CSO discharges. The Plan shall be submitted for EPA approval by October 31, 2021, and the City shall submit the proposed form and content of the monitoring to be reported pursuant to the Plan for EPA approval at least 60 days prior to this date. In-Canal monitoring consistent with the Plan shall begin one year after EPA notifies Respondent that capping is completed in RTA 1. The CSO solids outfall loading monitoring shall begin ~~on~~as early as June 1, 2022, to establish a baseline for CSO solids loading ~~prior to the buildout of rezoning within the Gowanus Canal sewershed~~.
>
> f. CSO Solids Maintenance Dredging: If EPA so directs, based on the monitoring performed pursuant to paragraph 73.e, Respondent shall perform CSO solids maintenance dredging. Such work shall be performed in accordance with a work plan and schedule approved by EPA. If the CSO solids maintenance dredging results in any damage or impacts to the cap system, Respondent shall be responsible for cap repairs. Respondent shall coordinate and cooperate with respondents to EPA enforcement instruments for implementation of the CSO and in-Canal remedies, including for mitigation and repair of CSO maintenance dredging impacts to the cap.

The City objects to the requirement that it monitor CSO solids contaminant levels in the Canal post-dredging under paragraph 73.e, including periodic in-canal monitoring of surface sediment recontamination levels and annual tracking of CSO solids loading from each CSO outfall. This would require the City to conduct bathymetry surveys and to conduct sampling of

canal sediment, CSO discharges, and discharges from the Flushing Tunnel, all of which go well beyond the scope required to determine if a maintenance dredge is required for deposition that occurred post dredging and prior to the operation of the CSO tanks, which is the only applicable obligation.

The ROD very specifically only requires reductions in solids discharges from two CSO outfalls, RH-034 and OH-007, and not each and every outfall that discharges to the Canal. The sampling effort required to sample each and every outfall during wet weather would be extremely impractical, expensive and burdensome. Multiple crews would be required to actually perform the sampling due to the number of outfalls and logistical requirements, and crews would be required to wait on standby in anticipation of wet weather events that do not always materialize.

In addition, it would be infeasible to accurately determine the source of the contaminated sediment if found, due to a number of potential pathways unrelated to CSO discharges, including tides and storm surges, the Flushing Tunnel and/or recontamination of sediment from contaminated groundwater, ebullition or seeps from uplands sites.

Finally, the addition of the language "for purposes of determining whether CSO solids removal will be required to mitigate impacts to sediment from CSO discharges" is unclear and potentially beyond the requirements of the ROD. To the extent "CSO solids removal" in paragraph 73.e. refers to maintenance solids dredging in the Canal, as paragraph 73.f. suggests, then paragraph 73.e. should so state. However, to the extent the phrase "CSO sediment removal" in paragraph 73.e. refers to additional CSO solids reductions, then this language directly contradicts the ROD remedy which selected two CSO tanks with a CSO solids reduction percentage of 58 to 74. The City has in fact designed CSO tanks with a solids reduction percentage well in excess of the ROD requirement. But paragraph 73.e. cannot impose a CSO solids reduction percentage beyond that which the ROD requires.

G. <u>CSO maintenance dredging under Paragraph 73.f.</u>

Paragraph 73.f. provides that EPA, in its discretion, can require the City to perform maintenance dredging. But neither the ROD nor the order cabin that discretion. There is no standard for determining whether maintenance dredging is necessary. The absence of such a standard compounds the difficulties discussed above regarding in-Canal sampling required by Paragraph 73.c. The Order empowers EPA to direct the City to perform maintenance dredging, without such a standard, and this obligation may attach even where the data shows that the sources of solids and contaminants in-Canal are unrelated to the CSOs.[10]

[10] The absence of any standard (i) in paragraph 73.d. for capture efficiency of solids or separation of oil contamination from separate sewer discharges, and (ii) in paragraph 73.f. for when maintenance dredging as a result

H. The City does not admit to the factual findings in the Order.

The City's notice of its intent to comply with the Order is not an admission of any liability, nor an admission of any facts or conclusions of law EPA alleges in the Order. By way of example only, among other things, the City disputes the following:

1. In paragraph 8, the Order states that the City owns the Canal. On the contrary, Brooklyn Improvement Company constructed and owned the turning basins at the Canal. As for the main stem of the Canal, the only portions the City may own are derived from a patent granted by the King of England to the City of Brooklyn in the 1600s. That patent applies only to lands in the bed of the original Gowanus Creek. Approximately twenty-five percent (25%) of the bed of Gowanus Creek is co-extensive with Canal. Further, all of RTA-3 in the Canal was originally part of Gowanus Bay and not within the aforementioned King's patent. The City will provide additional information on this issue if EPA so desires.

2. In paragraph 14, the Order states that the 1st Street Basin was filled in between 1954 and 1966. The City did not fill in the Basin. In addition, the City neither constructed nor operated the 1st Street Basin and there is no definitive evidence that the City owned the 1st Street Basin.

3. In paragraph 34, the Order states that the releases from the BRT Powerhouse "likely" resulted in contamination in the 1st Street Basin and the Canal. On the contrary, sampling, analytic and forensic evidence demonstrates that contaminants in the 1st Street Basin and the Canal are not related to releases from the BRT Power House during the City's ownership or operation of the BRT Power House.

4. As set forth in prior correspondence, in emails, in meetings and in progress reports, and pursuant to the force majeure provisions of the relevant EPA orders, the City disputes EPA's findings (including those in paragraphs 51 and 52 of the Order) that the City failed to comply with the City UAO or the City Consent Order.

---

of CSO discharges would be required, deprives the City of the ability to determine how to comply with the Order and therefore does not afford the City with due process.

In sum, the City remains committed to complying with the Order by performing the removal action and remedial actions required by the ROD, namely design and construction of the CSO tanks and bulkhead for the OH-007 tank location. The City looks forward to working collaboratively and cooperatively with EPA to do so.

Sincerely,

Robert D. Fox
For MANKO, GOLD, KATCHER & FOX, LLP

RDF/kl
cc: Hilary Meltzer, Esquire
Christopher King, Esquire
Devon Goodrich, Esquire
Tess Dernbach, Esquire
Elissa Stein Cushman, Esquire
Daniel Mulvihill, Esquire

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

COMMITTEES
Consumer Affairs & Protection
Education
Higher Education
Labor
Transportation

JO ANNE SIMON
CHAIR
Committee on Ethics and Guidance

CO-CHAIR
Ethics Commission

Testimony Submitted by NYS Assemblymember Jo Anne Simon

to the NYC Department of City Planning

July 28, 2021

Nos. 44 - 49. CD 2 & 6 N 210178 ZRK

GOWANUS NEIGHBORHOOD PLAN

Thank you, Chair Marisa Lago and commissioners for this opportunity to testify in connection with the Gowanus Neighborhood Plan.

I have represented the 52nd Assembly District, which includes Gowanus, Brooklyn Heights, Boerum Hill, Carroll Gardens, Cobble Hill, Downtown Brooklyn, DUMBO, Fulton Ferry Landing, Vinegar Hill, and parts of Park Slope and Prospect Heights in the New York State Assembly since 2015. Before that, I was an active community leader and activist and have lived in the area for 40 years. When I moved to my neighborhood of Boerum Hill, it was still redlined. So, I have seen a lot of change over the years that informs my perspective on this rezoning proposal.

Like many large ULURP proposals, this one has been contentious. There is a long history of disagreement here. This goes back to then Councilmember Bill de Blasio's desire to develop the highly contaminated Public Place site and vicinity and his opposition to the designation of the Gowanus Canal as a Superfund site. There were community members who shared his view, while many more disagreed vehemently and believed that the only hope for a safe and clean Gowanus Canal area was a Superfund designation that charged the responsible parties with its clean-up. The City of New York as a responsible party is on the hook for significant remedial obligations to the canal and uplands. Its delays in moving forward with aspects of the remedial plan cannot be entirely divorced from this history.

At base, the challenge for this rezoning proposal and the area's current and future residents can be reduced to one word. **Climate.** Climate change. Climate justice. It's all about climate. And we ignore the significant climate concerns at our peril. We can't cover this up. We can't make believe that climate change won't happen. It is

ALBANY OFFICE: Room 435, Legislative Office Building, Albany, NY 12248 ▪ 518-455-5426 ▪ FAX: 518-455-4787
DISTRICT OFFICE: 341 Smith Street, Brooklyn, NY 11231 ▪ 718-246-4889 ▪ FAX: 718-246-4895
EMAIL: simonj@nyassembly.gov

happening as we speak, and we all know it. This rezoning is taking place in one the most polluted areas of the country, which has been subjected to 150 years of contamination by industrial waste and raw sewage. Nearly the entire area is in a flood plain. There are so many variables that we can't control for in a large rezoning, let alone in a project of the size, complexity and consequence of the Gowanus Superfund area rezoning, that we need as many tools as possible to control and shape a healthy and safe implementation as possible.

When I moved to Brooklyn, Metrotech's promise loomed large. There were the inevitable – and fairly large-scale – takings of homes and businesses. Those of us who enjoyed a field trip to the crowded alternate universe that was Sid's Hardware will remember those days of dilapidated buildings and funky stores in Downtown Brooklyn that are now long gone. Overall, Downtown Brooklyn had become very distressed and needed serious attention. The Regional Plan Association issued its third regional plan in 1996 stressing "Economy, Environment and Equity" as guiding principles for the tri-state metropolitan region and called for "revitalizing Downtown Brooklyn." Of the three "E's," equity has gotten the shortest shrift, and environment has too often been an afterthought, most particularly the intersection of environment and equity. Also, in 1996, I became chair of the Gowanus Expressway Community Coalition fighting for a sustainable and environmentally just tunnel to replace the elevated and highly polluting Gowanus Expressway. It's still elevated, it's still highly polluting, and the fight for climate justice continues.

Those of us who have raised concerns about area rezonings or large-scale land use projects such as Atlantic Yards – a state project benefiting greatly from Mayor Bloomberg's granting a full zoning override – have been chided as being against change or against affordable housing even though too often what is called "affordable" isn't really. I believe a responsible activist and a responsible elected official's job is to highlight what is and what is not working about a proposal. The devil is in the details. So, for example, no one opposed a rezoning in Downtown Brooklyn. But we did raise serious issues: the plan anticipated only large footprint commercial uses with a tiny amount of residential use and was parsimonious in the public investments to be made while displacing immigrant-owned businesses and black and brown residents. Downtown Brooklyn, which should have received massive investment, was left begging for crumbs. Proponents never imagined anyone would build taller than 50 stories in Downtown Brooklyn, and so removed the previous height limits. Who knew? And, that rezoning wasn't on top of a Superfund site, which requires an extremely delicate balance -- one that is not assured under the current proposal.

The Downtown Brooklyn area's community and transit advocates called for more money and resources for public transit, open space, preservation of an underground railroad site, and suggested that the proponents were planning for the last war – in essence, that proponents had mis-called the market which we in the community believed would be residential and smaller footprint commercial uses because technology was shrinking the size of business equipment. Few people then even had a cell phone, let alone anticipated today's functionality.

ALBANY OFFICE: Room 435, Legislative Office Building, Albany, NY 12248 ▪ 518-455-5426 ▪ FAX: 518-455-4787
DISTRICT OFFICE: 341 Smith Street, Brooklyn, NY 11231 ▪ 718-246-4889 ▪ FAX: 718-246-4895
EMAIL: simonj@nyassembly.gov

Ten years after its approval, the Downtown Brooklyn Plan had birthed 10,000 units of housing – none of them affordable – with another 8,000 units already on deck. But because the rezoning made this development as-of-right, the City had no tools to cabin it or to help shape it into the preferred commercial development. The area's new residents had needs for residential amenities that weren't being met, like schools, supermarkets, dry cleaners, health care, recreational spaces, etc. The community had been right – the market trend was residential, and business equipment was shrinking, rapidly eliminating the market for large footprint back office spaces.

I have long been an advocate for radical reforms to ULURP because it is wholly inadequate to the task. The central problem is that the City uses ULURP, which is a rezoning process, as a proxy for the urban planning process it doesn't have. This is why so many proposals are inadequate and go awry. Once a rezoning is done, there are no controls other than the broad new zoning designation, for which variances can be sought. The likelihood that the Gowanus rezoning will look anything like what is proposed today or be built within the 10-year period projected in the DEIS is slim to none. What's more, if it starts going off the rails, the City has no tools to right it. Past is prologue. I invite you to name one large-scale rezoning that hasn't increased rents in the area and displaced residents, especially residents of color. I don't think you can. I know that the cumulative effect of Metrotech, the 4th Ave rezoning, the Downtown Brooklyn rezoning and Atlantic Yards changed my neighborhood from one that was diverse and low to moderate income, to one that is whiter and significantly wealthier. We also saw this in Williamsburg.

As I have testified in the past, I believe that the Gowanus area needs a rezoning that would establish a cohesive approach to land use going forward. I differ from some of my colleagues in that regard. However, believing that a rezoning is in order does not mean that *any* rezoning proposal would be acceptable, or that a proposal contains only good things. There are aspects of this proposal that I like, but others that I don't. The Gowanus rezoning proposal before us today encompasses too large a footprint, exacerbating the likelihood that what proponents anticipate will never come to fruition. It stretches too far north and south along 4th Avenue into areas that are Gowanus in no one's mind, increases the FAR far beyond that which the community process had identified as the maximum acceptable FAR, and fails to adequately address how its proposals can be achieved while also remediating one of the most contaminated bodies of water and toxic uplands in the country.

Members of the local residential communities, including public housing residents have raised many of these concerns. The EPA in a carefully worded letter identified areas of concern that it did not have the authority to address but did not indicate the concerns were without merit. And here's the thing: no one really disagrees on the proposal's shortcomings. CB2 saw the problems and voted to reject the proposal. CB6 saw the very same problems and voted to approve with nearly 20 pages of conditions listing 30 significant issues – the very same inadequacies that caused CB2 to reject the proposal. This includes several significant issues, including a CSO and sewage system capable of

handling climate change disaster scenarios and increased capacity, and full funding of capital needs for NYCHA Gowanus Houses and Wyckoff Gardens.

The DEIS Executive Summary describes the canal as: "…a wholly unique resource—the Gowanus Canal—can thrive and play an active role in [that] equitable and sustainable growth."

But until the EPA Superfund Cleanup has been completed, and the City has concurrently designed, constructed, and made operational the necessary CSO tanks to ensure the integrity of the Superfund remedy, to describe the Gowanus Canal as a wholly unique resource within a "…long-term vision of a thriving, inclusive, and more resilient Gowanus where existing and future residents and workers can participate in civic, cultural, and economic activities" is a stretch. I'd like for this statement to be true, but wishing doesn't make it so.

Given the enormous toxicity of the area and the delicate balance that needs to be achieved, these problems are not mere concerns, they are threatening to individual lives and health and to the area's sustainability. The proposal does not address how it will provide a resilient future for residents of public housing whose buildings were flooded in Hurricane Sandy and which are in a direct path of future flooding. It does not provide a plan for the promised interim park and pool while Thomas Greene Park is torn up for the removal of its coal tar tank and the installation of the sewage overflow system, which is already behind schedule. It does not address how to protect the uplands areas from additional contamination in the event of storm surge – which is anticipated to cause much of the uplands – going as far north as Bergen Street – to be underwater by 2050. It does not provide a mechanism for ensuring there are no net CSO's – a goal we all share. It does not address the likely migration and volatilization of compounds at Public Place – the most contaminated site – or anywhere else.

The community has asked to better understand the full environmental impact of this proposal, and for that, under New York State Environmental Quality Review Act (SEQR), EPA, FEMA, and the US Army Corps of Engineers must coordinate as co-involved agencies to review and evaluate the DEIS findings. We don't yet have that information.

There is much that the developers propose that is creative and environmentally sound at Public Place, and I support the plan for 100% affordability, but there is no assurance of proper oversight and one would be remiss not to express concerns about the possibility of toxic fumes in 20 – 30 years that can cause brain dysfunction and pulmonary disorders. I have spent too many years working with neuro-atypical people not to have a well-founded concern about this. How inequitable would it be to have 100% affordable housing attracting low income residents, many of whom likely would be residents of color, only to poison them slowly? That in my mind is not housing justice, it is not climate justice, it is not social justice. *We have to get this right because the consequences of not doing so are too great*. And so, I ask you, the NYC Planning

ALBANY OFFICE: Room 435, Legislative Office Building, Albany, NY 12248 ▪ 518-455-5426 ▪ FAX: 518-455-4787
DISTRICT OFFICE: 341 Smith Street, Brooklyn, NY 11231 ▪ 718-246-4889 ▪ FAX: 718-246-4895
EMAIL: simonj@nyassembly.gov

Commission, what will you do? What conditions, what constraints, what penalties will you affix to ensure that my well-founded fears are not realized?

Thank you again for this opportunity to testify.



Jo Anne Simon

ALBANY OFFICE: Room 435, Legislative Office Building, Albany, NY 12248 ▪ 518-455-5426 ▪ FAX: 518-455-4787
DISTRICT OFFICE: 341 Smith Street, Brooklyn, NY 11231 ▪ 718-246-4889 ▪ FAX: 718-246-4895
EMAIL: simonj@nyassembly.gov

Reply all | Delete | Junk | Block | ···

19DCP157K - Comments on the DEIS

MB

Martin Bisi <maaartin.bisi@gmail.com>
Wed 5/26/2021 3:19 PM
To: 19DCP157K_DL

I'm a Gowanus resident and own a recording studio, BC Studio in the Old American Can Factory on 3rd St since 1981

There's a music space mentioned in the EIS as potentially displaced, that is mischaracterized as "information sector", and further as a "recording studio" which it is not. it is mostly rehearsal rooms - and any recording that is done there is nothing like the high end recording at Douglass Recording, which is mentioned as providing similar services that can 'make up' for the loss of Band Spaces NYC.
Any professional musician knows these are very different businesses - a recording studio is used occasionally- rehearsal spaces are used continuously

I also find it odd that my recording studio, BC Studio is not mentioned as potentially displaced. Did it just not show up in the research, or did they not find it to be in danger ?
In fact, the manager of Old American Can Factory has informed me that the building is in danger of being sold. And I'm in the 'un-landmarked' section of the building - so I really have little protection

It's clear that the music community, in Gowanus, which is vulnerable has not been carefully and adequately considered in the study
And that music is categorized as "information" is disheartening and offensive -

Martín Bisi
Owner of BC Studio / Gowanus

Reply | Reply all | Forward

Reply all Delete Junk Block ···

19DCP157K - Comments on the DEIS

MB

Martin Bisi <maaartin.bisi@gmail.com>
Tue 6/1/2021 2:22 PM
To: 19DCP157K_DL
Cc: mike@bkcb6.org; Brad Lander

I'm the owner of BC Studio -music recording in the Old American Can Factory

I commented last week (and at the CB6 presentation) about Band Spaces NYC that's mentioned in **Chapter 3**
Since my emailed comment i have learned that **Peter Karl Studios** (mentioned as providing a similar service) has been **closed for 4 years** - It might appear like it's still open because Peter Karl himself works in other recording studios, but the actual space referenced has been closed
So it's clearly not a remedy for losing Band Spaces

And I should double down that no recording studio, like those mentioned (**Douglass Recording, Atlantic Sound Studio**, and the former Peter Karl Studio) is a replacement for 80+ REHEARSAL rooms, even if there's equipment there to record a rehearsal

I have a recording studio where **we record 'albums'**, and i might work exclusively with 3-4 people for a couple weeks to record an album, as compared to Band Spaces where **100's of people** may use the facility in a month
These are **completely different services**

I have spoken to several of my recording clients who rehearse at Band Spaces - they keep equipment there so they can pop in 24/7 and rent month to month. Losing this would be a hardship to many in the professional music community - some are **Musicians Union members**. So this is definitely an industry
Also, nearby rehearsal space **helps my Gowanus business** in many ways

This should be represented in the EIS - and it speaks to the **Funky Mix** promised by DCP - do musicians not play **cafes and in Open Streets** ? well they need to rehearse as bands/groups

A potential replacement would be **King Killer Studios**, with 2 Gowanus locations - 6th St and 2nd Ave- but King Killer does not have enough vacancy, and would be insufficient

Evidence that 'music' was not properly examined, is that these places were analysed as **Information Sector** -
there is nowhere else in the DEIS where there is such an absurd labeling - a waste service business like **Quality Carting is not in the 'Arts, Entertainment, and Recreation'** section for instance

thank you
Martin Bisi,
BC Studio - in Gowanus since 1981

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Thursday, July 29, 2021 2:59 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Martin Bisi**
Zip: **11215**

I represent:
- **Myself**
- **A local business**

Details for "I Represent": **i operate BC Studio in the Old American Can Factory, Gowanus**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
I testified in-person yesterday- i forgot 1 point I advocated that my music recording studio, BC Studio in the Old American Can Factory (since 1980) should be in the DEIS as 'potentially displaced', particularly since i'm in the 'un-landmarked' section of the building complex I'd like to add that ALL the small businesses in the Can Factory should be listed as 'potentially displaced' - there are 80 spaces/businesses, with around 300 people active there It's well known to Jonathan Keller that the reason Can Factory has been pushing to build a tower higher than allowed in the rezone, is to avoid the complex being sold, or displacement of the spaces in the 'landmarked' section -or rents going up So everyone agrees that there is danger of displacement for all the spaces in the complex - I believe this should be in the DEIS Thank you, Martin Bisi

I am Martin Bisi, a commercial tenant in The Old American Can Factory in Gowanus since 1979, starting a music recording studio, BC Studio there in 1981. We are still operating

Since Old American Can Factory is being rezoned for mixed use, I'm concerned about the 5th Street turning basin which is adjacent to the building complex. It was filled in the mid 50's-early 60's
The EPA plans to remediate only 25ft of it, placing a retaining wall there, separating that portion from the rest which was referred to NYSDEC for action. The wall, which hasn't been built yet, would protect the Canal from being recontaminated, but does not keep heavy rain from draining into the Basin from Park Slope

I have witnessed flooding at the Can Factory from heavy rain -most notably during Hurricane Irene -2010, that puts into question how much of that water had passed through the 5th Street Basin
After Hurricane Irene, I spoke to a reporter from Harper's about flooding from the storm and its connection to ancient hydrology -Vechte's Brook, and Denton's Mill Pond which underlies the area.
Article is here -i'm towards the end: https://harpers.org/archive/2016/03/the-hidden-rivers-of-brooklyn/4/

Quote from the article:
"..after Hurricane Irene dumped seven inches of rain on the city, "I watched as the water rose six feet in the stairwell, to within inches of my studio door." During heavy rains, Bisi often hears a spooky rush of water — a branch of Vechte's, he believes — flowing beneath his feet"

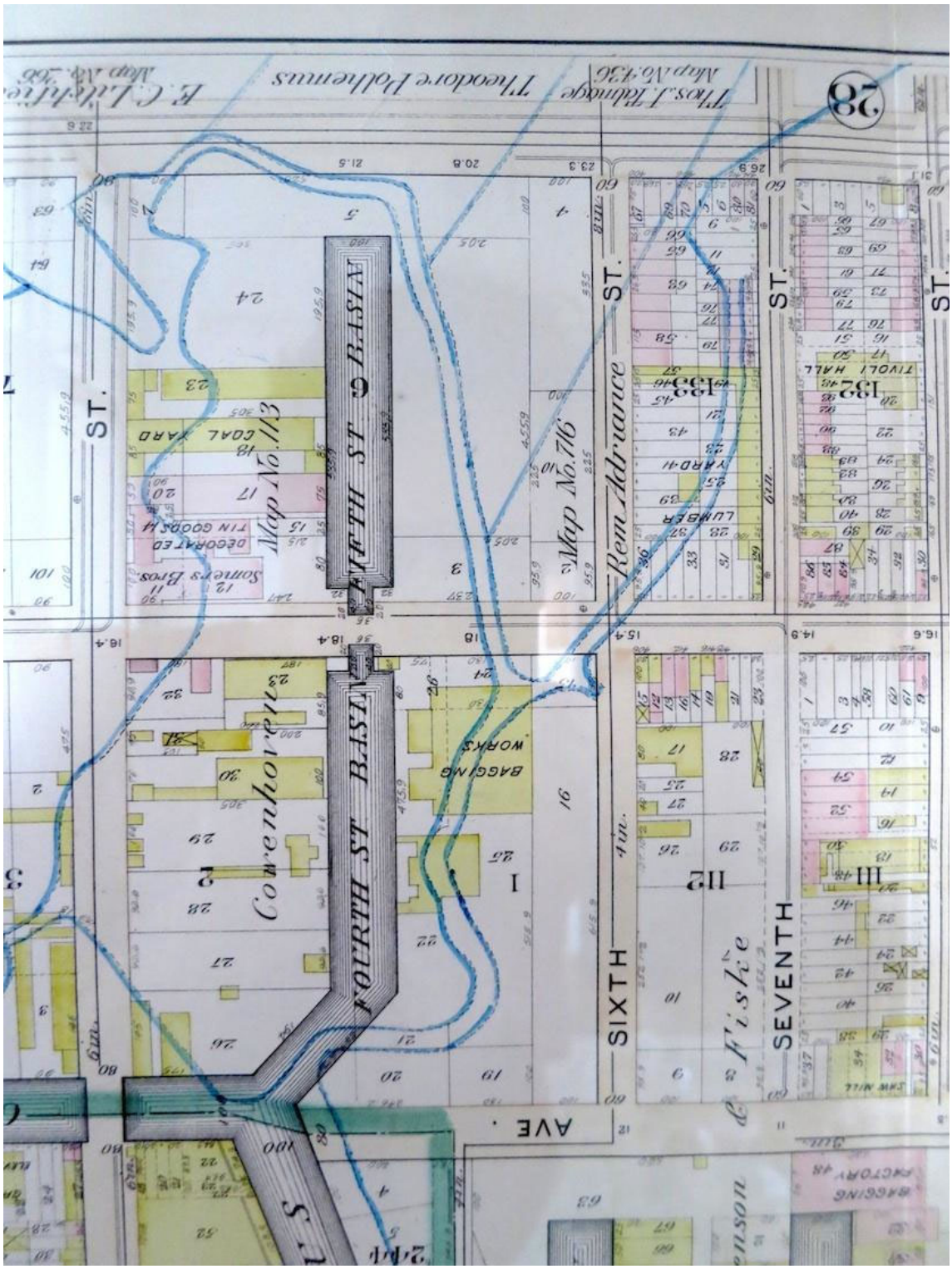
The EPA did only cursory testing of the toxicity of the 5th Street Basin, though it can be expected to be the same as the 4th Street Basin which was excavated at the same time - and both basins were a single channel of water during the period of heavy industry

In light of people potentially living right next to it, from the rezoning, I believe the EPA should reassess the 5th Street basin and impacts on Can Factory from heavy rain events. And this should be contributed to the final EIS

Below are some relevant materials

Thank you,
Martin Bisi, BC Studio/Old American Can Factory since 1981

Next page-
1880 Map of Old Vechtes Brook with Can Factory to immediate left of 5th St basin -courtesy Eymund Diegel and Nathan Elbogen:



Below - 2013 view of Vechtes Brook dispersing Coal Tar into 4th Street Basin - courtesy Eymund Diegel and Rob Buchanan (New School Class) - From 3rd Avenue bridge, within 1 block of Old American Can Factory:

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Sunday, July 25, 2021 12:04 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **David Briggs**
Zip: **11231**

I represent: ● **Myself**

Details for "I Represent": **I am the founding partner of Loci Architecture; the co-founder and Executive Director of Gowanus by Design, a non-profit advocating for responsible urban planning strategies in the Gowanus community;**

and the LULM Committee co-chair on Brooklyn CB6.

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
To the Honorable Members of the CPC: The Gowanus Neighborhood Plan presents an opportunity to create a community vision that embraces the diversity and culture of the Gowanus neighborhood. The DCP staff, led by Jonathan Keller, worked hard over the past several years to engage with the community through workshops and many presentations to develop a plan that is robust and forward-thinking. Along the way, many of us challenged DCP to make the plan better. It is better, especially if ALL of Community Board 6's recommendations are included in the POA. As noted in the CB's recommendations, of particular concern to our community is the failure so far to fully fund the capital needs of the local NYCHA campuses. It is disgraceful that our city, the epicenter of diversity and modern progress, cannot provide adequate housing for its low income communities. This must be rectified for Gowanus Houses and Wyckoff Gardens as part of this rezoning. As also noted in the recommendations, a Gowanus Rezoning Commitment Task Force must be created and fully funded. The Task Force will monitor: a) compliance with public and private commitments, b) adherence to zoning requirements, and c) implementation of the Rezoning. With representation from local organizations, city agencies, and stakeholders, the City and other stakeholders will update the Task Force quarterly on planning, implementation, and the successful completion of the commitments, and disseminate this information to the community in a transparent and accessible manner. I did not move to New York City in my 20s to live in a charming little village. Our city should always be a work in progress, nudging the dialogue forward, rethinking our past, creating a new model for 21st century city planning. There are many things that can be debated in the Gowanus Neighborhood Plan, but if adopted with CB6's recommendations, its core purpose and values are sound and it's time to move forward. Respectfully submitted, David Briggs AIA LEED AP CPHD

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 1:40 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Madelaine Britt**
Zip: **11238**

I represent: • **A local community group or organization**

Details for "I Represent": **I represent the Citizens Housing and Planning Council as a Policy Analyst.**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
My name is Madelaine Britt and I am a Policy Analyst at Citizens Housing and Planning Council (CHPC). CHPC is a non-profit organization focused on improving housing policy and planning here in New York City. New York City is in a housing crisis. On any given night, over 50,000 New Yorkers are sleeping in shelters or on the streets. 400,000 public housing residents endure the daily threats to quality of life, health, and safety posed by NYCHA's unmet capital needs. Nearly half of the city's residents are rent-burdened, many severely so, with few options for affordable housing in high-opportunity neighborhoods. Rising housing costs threaten to displace long-standing communities who have, for decades, suffered the legacy impacts of segregation and disinvestment. CHPC applauds DCP, Community Board 6, and the countless elected officials, residents, and stakeholders who have worked together to create this plan. Not only will the rezoning create at least 3,000 new units of desperately needed affordable housing, but it will do so in an area that benefits from ample access to jobs, services, and transit. This plan represents a real opportunity to further fair housing goals and address systemic inequality in our housing stock and neighborhoods. In this context, we urge the Commission to ensure that every opportunity to build a more equitable New York City through this rezoning is met. Funding and commitments to improve the living conditions of Gowanus Houses and Wyckoff Gardens residents must be secured. While we applaud the reduction of parking requirements included in the current proposal, we also encourage the Commission to lower requirements even further or provide a streamlined pathway for requirements to be waived. With 11 different train lines, Gowanus is more transit accessible than any other neighborhood rezoned for MIH and comparable in access to the Manhattan Core. Cities across the country have eliminated parking requirements to fight the health and environmental hazards posed by car culture in the face of climate change. Done right, the Gowanus rezoning can be a catalyst for climate action and environmental justice in New York City. CHPC is eager to see this plan move forward in the most impactful way possible. We thank the Commission for this important work and would be happy to answer any questions you may have. Thank you.

Testimony of Brendan Cheney, New York Housing Conference
Gowanus Rezoning

New York City Planning Commission
July 28, 2021

Good afternoon. My name is Brendan Cheney. I am the director of policy and communications at the New York Housing Conference (NYHC). NYHC is a nonprofit affordable housing policy and advocacy organization. As a broad-based coalition, our mission is to advance City, State and Federal policies and funding to support the development and preservation of decent and affordable housing for *all* New Yorkers.

New York Housing Conference strongly supports the Gowanus rezoning, as long as it includes a dedicated capital commitment for repairs and upgrades at local NYCHA residences Wyckoff Gardens and Gowanus Houses.

As we emerge from the COVID pandemic, New York is facing an ever-growing housing crisis. Homelessness continues to accelerate, as it has under every mayor since Ed Koch. Housing capital repair needs at NYCHA total $40 billion[1] – a figure that is only growing. By one measure, New York is rated as the fourth most segregated city in the country.[2] Finally, nearly 1 million New Yorkers are rent burdened, paying more than 30% of their income on rent. It is an unsustainable situation.

The city desperately needs more affordable housing and policies that will reverse and repair our history of racial discrimination. Rezoning high-income neighborhoods while requiring affordable housing development can help achieve both goals.

The Gowanus Neighborhood Rezoning Plan was developed with an in-depth and inclusive community planning process. The rezoning will map Mandatory Inclusionary Housing throughout much of the rezoning area, requiring that 25% to 30% of residential development be affordable to households making between an average of 60% of AMI to 80% of AMI, or between $64,440 and $85,920 for a family of three (in 2021). The city estimates that this will generate roughly 3,000 units of desperately needed affordable housing.

The community plan also included funding for the two adjacent public housing developments – Gowanus Houses and Wyckoff Gardens. Preserving NYCHA is just as important as building new affordable housing.

We need affordable housing in all neighborhoods, but bringing affordable housing to this neighborhood is particularly important, as it would help make it more economically and

[1] https://www.nbcnewyork.com/news/local/nycha-needs-40-billion-in-extra-capital-new-boss-says/2259520/
[2] https://www.brookings.edu/blog/the-avenue/2018/12/17/black-white-segregation-edges-downward-since-2000-census-shows/

racially diverse. While residents in most other major City-led rezoning areas are at least 80% Latinx and/or Black, more than 50% of Gowanus residents are White/non-Hispanic. It is to our collective embarrassment that New York is the 4th most segregated city in America[3], and we need to confront the legacy of redlining head-on to better align this city with our values. Zoning policy is an important tool in that fight.

Gowanus also has a higher median household income than the surrounding borough, unlike most other rezoning areas. Gowanus' median household income is $106,749 while Brooklyn's median household income is $62,050. Gowanus is therefore an ideal neighborhood for creating affordable housing opportunities in high income neighborhoods through residential rezoning.

These policies – asking every neighborhood to be a partner in creating affordable housing and upzoning in high-income neighborhoods – have wide appeal. Both were recommendations of the United for Housing coalition – a coalition formed by NYHC and joined by 90 partner organizations in New York City.

While the affordable housing will provide tangible benefits for the people that get the housing, it will also create economic benefits to the community. Housing investment creates jobs and can spur needed economic recovery. Research has found that 100 units of affordable housing construction creates 230 jobs and $46 million in economic activity, and the city, state and national economy need additional stimulus to recover from the recession.

As the city's economy struggles to recover, opportunities like Gowanus rezoning can create needed affordable housing, unlock new tax revenue, refill the construction pipeline, and help local businesses. The New York Housing Conference supports this rezoning and funding for adjacent NYCHA sites.

Thank you for this opportunity to testify.

[3] https://www.brookings.edu/blog/the-avenue/2018/12/17/black-white-segregation-edges-downward-since-2000-census-shows/

The Municipal Art Society of New York
MASNYC

MAS Comments to the NYC Planning Commission on the Gowanus Neighborhood Plan and Environmental Impact Statement—CEQR No. C210177 ZMK

August 9, 2021

The Municipal Art Society of New York (MAS) has closely examined every neighborhood rezoning under the de Blasio administration. Through our advocacy we have learned that each one presents a unique set of circumstances and challenges. This is most certainly true with Gowanus. The proposed rezoning puts the Gowanus community at the doorstep of substantial changes that could transform the neighborhood. It is this potential transformation that requires the City to pay special attention to a host of conditions unique to Gowanus that should be addressed to ensure a successful project.

Calls for racial impact studies to accompany neighborhood rezonings began during the early stages of an anticipated rezoning of Southern Boulevard in the Bronx to address displacement risks and reckon with racial disparities through the use of data. Just last month, Public Advocate Williams' racial disparity report legislation passed with support from nearly every Councilmember but will not go into effect until mid-2022. In January 2021, Councilmember Lander committed to performing some version of a racial impact study for the Gowanus rezoning area prior to a decision. We commend Councilmember Lander for supporting this urgent measure and for looking at the rezoning proposal with consideration of other programmatic, policy, and investment strategies that can help advance neighborhood priorities.

The City has touted the Gowanus rezoning as an opportunity to introduce new affordable housing in a wealthier and whiter neighborhood. Increasing affordable housing is a critical goal. However, Mandatory Inclusionary Housing (MIH) is a blunt tool that increases the production of market rate *and* affordable housing units without bringing about real housing choice, which is essential in Gowanus. As a result, many New Yorkers continue to be excluded from neighborhoods throughout the city, and struggle to remain in their communities of choice.

Under the banner of affordability, the rezoning is poised to bring 8,000 new housing units and 20,000 new residents to Gowanus without assuring that the neighborhood has the infrastructural capacity to take on this level of growth. At this juncture, midway through the public review process, crucial tools remain missing from the proposal. Among these are a failure to demonstrate a cohesive and transparent level of coordination between the City and the EPA regarding the Gowanus Canal cleanup, lack of specificity regarding incentive strategies to achieve the Gowanus MIX, and no substantial school plan to prevent imminent elementary school overcrowding. Perhaps most worrisome, the proposal still omits NYCHA from the affordable housing strategy and the City has not yet committed to funding capital repairs on the campuses directly adjacent to the rezoning area.

There are many well-thought-out elements of the neighborhood plan that we support: an ambitious Waterfront Access Plan, the Gowanus MIX, a new public elementary school, and 100 percent affordable housing on a City-owned site. However, we find that the rezoning follows a familiar path other neighborhood rezonings have taken, exposing deficiencies in the City's environmental review process to adequately estimate future development and the likely impacts, and the ineffectiveness of using rezonings as a tool to implement and codify a carefully crafted neighborhood plan.

Without real commitments to address fundamental neighborhood planning issues and environmental constraints, and specific strategies to implement community planning goals, the proposal falls far short of what we see as sound planning. Sound planning can address systemic issues, from racial to environmental disparities, and increase access to opportunity for all residents regardless of income. Sound planning prepares communities for a more livable future by advancing housing choice, improving water and air quality, acknowledging and mitigating flood risk, and ultimately creating stable neighborhoods with access to quality jobs, great parks and schools, and varied transportation options. Although the Plan, if implemented to reflect community planning goals, may achieve a brighter future for Gowanus, the current rezoning proposal hasn't gotten it right yet.

Accuracy of Development Projections

In our extensive coverage of city rezonings, MAS has demonstrated that CEQR development projections for large-scale neighborhood rezonings are often unreliable representations of future development. This is particularly true with potential development sites within rezoning areas, which due to unique site conditions or other development encumbrances, are assumed to be less likely to be developed than projected development sites within a project build period. Moreover, under CEQR, these sites are typically not evaluated for environmental impacts. Following this pattern, the reliability of the development projections identified in the Gowanus rezoning Draft Environmental Impact Statement (DEIS)are of great concern. The Reasonable Worst Case Development Scenario (RWCDS) scenario, the maximum development expected under the rezoning, has been modified since the release of the Draft Scope of Work (DSOW) to include a total of 63 projected and 70 potential development sites. The increase in allowable density under the rezoning would leave 90 percent of the lots on the potential development sites with more than 50 percent of their development rights unused. Not only would this make these sites riper for development, if development were to occur, its impacts would not be evaluated in the CEQR analysis. This would leave the Gowanus community to contend with the unintentional consequences of this development on school utilization, stormwater/wastewater infrastructure capacity, transit, open space, and other important planning considerations.

Our previous work has also shown potential sites and unidentified sites, including those within a rezoning area not identified for potential development at all under CEQR, often get developed due to zoning lot mergers, development right transfers and additional zoning waivers and variances. For

Gowanus, in addition to the potential development sites, 578 lots within the rezoning area are not identified for future development. This means that in total, 83 percent of the lots in the rezoning area do not factor into the environmental impact evaluation. Therefore, to provide the public with a more reliable forecast of future development and to avoid past miscalculations under neighborhood rezonings, we urge the City to include the full build-out analysis for all 70 potential development sites in the FEIS.

Stormwater Management and Environmental Clean-up Coordination

The Department of Environmental Protection's (DEP) recently issued Unified Stormwater Rule (USR), which updates on-site stormwater management requirements citywide, will go a long way to achieving Net Zero combined sewer overflow (CSO) into the Gowanus Canal. This is a huge benefit to the Gowanus area, which has historically been saddled with poor stormwater management infrastructure contributing to increased discharge of raw sewage and polluted run-off into the Canal. The USR increases the amount of stormwater required to be managed on-site and restricts the release rates for all new and redevelopment projects that require a DEP or site connection. The installation of detention tanks on required sites will slow discharges into the Canal. While we are encouraged by the USR, the rezoning must ensure that Net Zero CSO flow is maintained as the area becomes more developed and the impacts of climate change increase over time. Without the USR in place, CSO volumes are expected to increase by 3 million gallons per year, according to the DEIS.

Because the URS is not slated to go into effect until 2022, no site sewer connection permits should be issued in the rezoning area until that time. In addition to the benefits of the USR, we believe the City can do more in Gowanus to reduce present and future flows and improve stormwater quality by including permeable pavement, vegetative buffers, and encouraging the construction of green roofs in the rezoning area. We expect more details on how the rezoning would incorporate these approaches in the FEIS.

Starting with the DSOW, MAS has emphasized the need for the City to follow through on its responsibilities in transparent coordination with the EPA regarding the Gowanus Canal federal clean-up. We are encouraged by the progress the EPA has made in the process thus far with dredging activities. In terms of the City's responsibilities to improve stormwater infrastructure per the 2013 EPA Record of Decision, the recently released Administrative Order by the EPA, which sets a timetable for the City to complete the procurement of property and construction of two CSO storage tanks along the Canal, should help facilitate the process. However, it is incumbent on the City to fulfill the requirements of the Order. The Order should also help provide the public with certainty regarding the CSO sewer infrastructure construction schedule.

The FEIS should summarize how the City will meet the EPA's requirements with future development under the rezoning in mind. This information should include how the improvements will ensure developers comply with municipal stormwater regulations within the Gowanus area to prevent sewer volume from impairing the effectiveness of the new tanks, provide treatment for separated stormwater discharges, perform monitoring of sewer discharges to ensure protection during dredging, perform associated maintenance dredging if needed, and construct a bulkhead on City-owned property to prepare for the second phase of dredging.

School Capacity

Despite new school capacity projects in the area in recent years, the influx of new residents in Gowanus would undeniably lead to new district-wide school overcrowding in the near future. The data and methodology used in the DEIS leave many baseline questions unanswered. The document reaches conclusions about future utilization rates without disclosing from where the numbers were derived. Without publishing subdistrict-level enrollment numbers, the DEIS predicts that in a future without the rezoning, enrollment and utilization will fall in all three local school subdistricts. It is unclear how these decreases in enrollment and utilization were calculated. Because of the decline in future enrollment projections lowers the baseline for calculating the incremental change under the rezoning in the CEQR evaluation, it is critical that the FEIS provides all pertinent information and figures down to the subdistrict level.

Additionally, there is a discrepancy in the DEIS regarding the capacity that the new elementary school for the Gowanus Green development would add. The DEIS notes this school would add 500 seats to its subdistrict's capacity, leading to a future surplus of a mere 16 seats and a capacity of 99.8 percent, just under full capacity. However, the DEIS states this school may add only 455, in which case future enrollment would exceed full capacity.[1] The FEIS must address the different enrollment figures used and clarify how the real capacity figure would impact the district utilization rates.

It is unclear how and to what degree the proposed strategy would meet future demand. The plan offers little in terms of concrete plans to alleviate future capacity demand on area schools. To avoid a repeat of the school overcrowding and segregation caused by the Fourth Avenue rezoning in 2003, the Gowanus rezoning proposal should include a proactive, integrated housing *and* school construction agenda that prioritizes equal opportunity.

The one school planned under the rezoning is the elementary school in the Gowanus Green development. Unfortunately, the plan does not come with commitments from the School Construction

[1] *Gowanus Neighborhood Rezoning and Related Actions*, *Draft Environmental Impact Statement* CEQR # 19DCP157K: Chapter 4, Table 4-7, p. 4-10.

Authority (SCA) to construct the school, and no zoning or admissions plans are posted at this time. To ensure that the new school contributes to continued area-wide integration, we recommend that:

- DCP coordinate with the Department of Education (DOE) and other city agencies to achieve strategies that continue and expand upon diversity initiatives like DOE's Diversity in Admission program for a robust set-aside admission plan prioritizing ELL students and students from low-income households or in temporary housing, and
- DOE assesses the potential for the new elementary school to be unzoned. Unzoned schools are general education public schools where priority is not given to students in their school zone but are open to applications from the entire district.

Open Space

MAS is pleased with the level of thought and consideration that has gone into the Waterfront Access Plan (WAP) for the Gowanus Canal. The WAP envisions a waterfront that is accessible, resilient, and includes a variety of active and passive recreational opportunities. However, the plan will not be enough to address Gowanus' severe shortage of public open space, which would worsen with the rezoning.

Currently, Gowanus has only 0.34 acres of public open space per 1,000 residents, less than 14 percent of the City goal of 2.5. The proposed rezoning would result in 5.46 acres of new publicly accessible open space including a 1.48-acre park at the Gowanus Green Site and 3.98 acres of publicly accessible waterfront open space. According to the DEIS, the combination of limited new open space and an influx of additional residents would cause the area's open space ratio to fall by an additional 1.45 percent, thereby creating a significant adverse impact. The area's active open space ratio would decrease even more, by 2.66 percent.

Moreover, the decline in these ratios may be more pronounced than the DEIS predicts. This is because the DEIS includes in its analysis future open space that appears to be located beyond the residential and non-residential study areas. Specifically, in the non-residential study area (the area within a quarter mile of the project area), the DEIS includes the eight-acre Pacific Park as open space when it appears to be completely beyond the study area. The park includes almost a third of the non-residential study area's open space acreage, leading to the conclusion that the area's open space ratio will rise and even exceed the City's goal with the rezoning. Further, Pacific Park is included in the analysis of the residential study area (the area within a half-mile of the project area), even though much of the park is outside this area. This has a similar effect in terms of raising total, active and passive open space ratios, thus minimizing the projected impact of the rezoning on the residential study area population.

Due to the current and future shortage of area open space and the importance of accurate analyses to the determination of significant adverse impacts, MAS requests the following:

- A revised proposal that includes significantly more open space within the study area and leads to a meaningful increase in the area's total and active open space ratios. The Gowanus Canal Conservancy has identified up to 5.7 acres of additional City-owned land where this new public open space could be accommodated. Their proposal must be strongly considered.
- A thorough explanation for determining that Pacific Park should be included in the residential and non-residential study areas. This should include a detailed open space plan for the Pacific Park development overlaid on the census tracts and study areas. Additionally, the numbers of residents and workers contributing to the residential and non-residential study areas by the Pacific Park development should be disclosed.
- A detailed plan for how the City will ensure that the private sector builds waterfront space that feels continuous and meets the ambitious requirements for recreational space. All too often we have seen waterfront spaces that are disjointed and poorly designed and maintained. This includes the crumbling Whole Foods esplanade along the Gowanus Canal itself.

Fair Housing

While proponents assert that the proposal would ensure racial and economic integration, more coordination and sound planning is needed to meaningfully increase housing choice, affordable housing development, and to dismantle segregation. To do so, the City must increase housing choice options for all residents of Gowanus--extremely low-, low-, and middle, and high-income earners--rather than continue to emphasize MIH as the sole tool for advancing middle-income affordable housing units. At the same time, increasing housing choice options and the goals of fair housing require the City to address historic, systemic issues that have led to the current inequities of the Gowanus neighborhood. It can do this by taking proactive steps to expand the housing stock while making equitable investments to address historic discrimination, segregation, and concentrated poverty.

As stated in our previous testimony, we urge the City to expand the Gowanus rezoning boundary to include the three adjacent NYCHA campuses: Gowanus Houses, Wyckoff Gardens, and Warren Street Houses. The City cannot plan for new affordable housing in the area without comprehensively addressing the legacy of NYCHA neglect. The omission of all NYCHA residences from the study area further highlights the limits of rezonings to adequately assess, plan, and strategize for a more integrated neighborhood. Although this proposal touts bringing new affordable units to a higher-income, amenity-rich neighborhood, equal weight must be given to increase housing choice for the most vulnerable neighbors.

We agree with Councilmember Lander that the rezoning must also generate significant investment to meet the capital needs at the three nearby NYCHA campuses.[2] To that end, the City needs to commit

[2] https://council.nyc.gov/brad-lander/planning-for-infrastructure-in-gowanus/

substantive funding, investments, and improvements to these facilities, and implement place-based and mobility strategies to improve access to opportunity, reduce disparities, and increase housing options, including the choice to stay within the neighborhood. The exclusion of the NYCHA campuses further discounts the district transfer of development rights model proposed by the Pratt Center for Community Development. This additional zoning tool would designate NYCHA sites as granting sites and allow for an added revenue source to fund needed improvements, independent of NextGen redevelopment and privatization programs such as PACT/RAD. If the City chooses not to include the NYCHA campuses in the rezoning plan, they must, at a minimum, disclose information concerning the choice not to pursue this additional funding approach for NYCHA improvements.

Southwest Brooklyn IBZ

We are discouraged to see that the DEIS still excludes the Southwest Brooklyn Industrial Business Zone (IBZ) from the primary and secondary study areas, leaving potential impacts of the proposed land use actions on this vital employment center unevaluated and unmitigated. The DEIS should include a comprehensive study of the potential impacts of the proposed land use changes on the IBZ. In response to concerns and feedback from business owners in the IBZ and the Southwest Brooklyn Industrial Development Corporation (SBIDC) on the DSOW, DCP in May released the Gowanus Industrial Business Zone Vision Plan. Although the vision plan identifies and outlines opportunities for infrastructure improvements and workforce development, it is a guide that offers optional strategies, not a codified land use plan supported by explicit commitments from the City.

Public Engagement

Effective public engagement is critical to any large-scale neighborhood rezoning. However, the pre-certification ULURP public meetings organized by the DCP in late 2020, offered little new information, and thus were an unfortunate missed opportunity to effectively engage with the community during the pandemic. Participants voiced frustration about the lack of details provided, especially regarding critical infrastructure needs magnified by the pandemic. DCP's facilitators denied requests for more insight into the DEIS, citing the document's ongoing development. Prior to these pre-certification meetings, we urged the City to encapsulate input from these meetings in a report in advance of the DEIS release and ULURP certification. This was not done. Without that report, it is difficult to determine the efficacy of the engagement effort and the degree to which the DEIS responds to critical community feedback. We urge the City to include a summary of the critical input from these meetings in an appendix in the FEIS.

Conclusion

In our examination of rezonings under Mayor de Blasio, despite the neighborhood-to-neighborhood nuances, we continue to observe a pattern of missed planning opportunities, flawed environmental impact findings, and inadequate engagement. Over the last eight years, public criticism has focused on the concentration of rezonings in lower-income and communities of color, the administration's failure to

incorporate neighborhood planning strategies, and a lack of data around underlying community disparities and displacement risk.

As one of the last two neighborhood rezonings to be certified under the de Blasio administration, we recognize the substantial undertaking and complexities the Gowanus rezoning poses for the City. While there are many elements we find encouraging, the rezoning as proposed is not set up to achieve the most important planning goals for the Gowanus community.

Before we can support the proposal, MAS urges the City to commit to addressing the critical neighborhood planning issues we have outlined and adopt strategies to implement community-identified goals. This is the best approach to ensure that community planning efforts over the last decade are not overshadowed by the City's desire to meet MIH goals. We seek transparency in the coordination efforts by the City and the EPA regarding the ongoing environmental remediation process and stormwater infrastructure improvements. We respectfully request a substantial increase in the quality in development projections and evaluations in the FEIS so that the Gowanus community is not beset for generations with the unintended consequences of a flawed CEQR evaluation.

Thank you for the opportunity to comment on this critical neighborhood rezoning.

August 9, 2021

Olga Abinador, Director
Environmental Assessment and Review Division
NYC Department of City Planning
120 Broadway, 31st Floor
New York, N.Y. 10271

Re: CEQR No. 19DCP157K Gowanus Brooklyn
Comments on Draft Environmental Impact Statement Ch.11 Water and Sewage, and Appendix

We are submitting comments and concerns, because we do not support the present proposed zoning action by the City of New York for the environmentally compromised land, water and air sheds of Gowanus Brooklyn. To date, the long-standing and ongoing environmental harms present in Gowanus have yet to be rectified. We do not see that the DEIS assessments have clearly shown that this landscape is capable of taking on the significant additional necessary environmental carrying capacities proposed by this rezoning. We feel that the DCP's failure to engage other 'involved agencies" in the DEIS who would have valuable inputs due to their specific involvement in Gowanus environmental matters, contributes to our lack of confidence that the rezoning will provide for the quality of Health and the Environment that the law entitles. We support the comments submitted by the Voice of Gowanus coalition group on the DEIS. And we ask that the commissioner's vote on this current proposal be tabled until the public and the DCP Commissioners are given an opportunity to review a full environmental assessment.

Background to our comments:

Friends & Residents of Greater Gowanus, FROGG, was founded as a local civic group by a group of residents who were serving on the 2003-2004 NYCDEP/ US Army Corp.'s Use, Standards and Attainment (USA) Stakeholders Group which met monthly with the DEP and the US Army Corp. for the Gowanus Wetlands Restoration Program. Most of us had not known each other before serving on this stakeholder group, and we each brought our concerns with the conditions we knew, living and working in and around the Gowanus Canal. Hopes were high in the community given that the the old 1911 Flushing Tunnel was up and running again and it looked like real environmental improvements were possible in Gowanus.

In those DEP meetings we were given detailed information and held discussions regarding plans to address Gowanus water quality. We were aware that NYS required the city to address the water conditions because the Gowanus was on the TMLD list of impaired waters of New York. We understood that the USEPA Clean Water Act as delighted to the State held standing legal consent orders agains the city mandating corrective environmental actions in Gowanus. And we came to understand that the regulatory tool used to establish and maintain clean water standards was the NYS Water Classification system were set by requiring measurable standards for Dissolved Oxygen (DO) and Sewage Pathogen levels, with Gowanus designated a class SD water which only requires that the water have a certain level of dissolved oxygen levels set for fish survival, and that the sewage pathogen levels

allowed in the Gowanus are without limit. We learned that Gowanus was on the NYS Impaired Waters List because it fails to meet it's only requirement for Dissolved Oxygen. And we learned, given the Class Sd standard, that the DEP solutions proposed for Gowanus would fall short of decency because they were not deemed necessary to control sewage pathogens levels. Sewage pathogen levels were left to run sky-high, (as they continue to do this summer 2021 with the implementation of the DEP Flushing Tunnel and Pumping Station Facility Plan now in place).

The primary topic of those DEP-USA Stakeholder meetings covered the proposals to rehabilitate the Gowanus Flushing Tunnel Force Main, the Gowanus Pump Station, repairs to the Bond-Lorraine Sewer, and the Gowanus Water Quality Classification which drove the decisions for DEP actions. We looked at all the individual CSO locations and overflow volumes, which were discussed with the DEP firm doing the modeling. We discussed rainfall and rainfall volumes used in sewage modeling, as we advocated for a better water quality classification to drive the DEP planning outcome requirements. We learned at that time NYSDEC intended to eliminate Water Classification "SD" which it said it no loners supported for the waters of the state. These meetings were a workup to the release of various draft of Gowanus Waste Water Facility Plan (WWFP) where the DEP proposed a new Water Class for Gowanus, called "Urban Tributary", which the NYSDEC rejected as little more than a renaming of class SD (a classification the State said at the time it no-longer supported), with the final WWFP issued 2008.

During the period from 2004 through 2008 FROGG also worked with various Graduate Schools at Columbia University through the Earth Institute. We explored urban design, environmental remediation, public health issuers, and Historic Preservation with the aid of these departments at Columbia. And we hosted Columbia presentations in our community on these matters. This work lead to the Publishing of ECO Gowanus by architecture Professor R. Pluntz and environmental engineer Professor P. Culligan. We also partnered with the NYC Sierra Club in host an information forum with Malcolm Bowmen of Stony Brook University on sea-level rise and storm surge risks in Gowanus. By the time NY State invited the EPA in to assess the Gowanus for Federal Superfund, our community had been exposed to many of the questions facing redevelopment in Gowanus and had been given guidance through Columbia University in ways to consider future in Gowanus, given the environmental conditions and climate impacts facing this inland drainage basin.

We ran the SuperfundMe push in our community, backing EPA Superfund listing of the EPA Gowanus Aquatic Brownfield. Since that listing our community has been vigilant in following actions by our governments as we seek to correct the Health and Environmental conditions which have long plagued Gowanus. Our members continue to participate in the EPA Superfund Community Advisory Group and follow the DEP facility upgrade work, the 2015 Gowanus Long Term Control Plan (LTCP) and the current battle in the court over the status of the NYS Water Quality Classification SD which is in conflict with current EPA requirements. Throughout this FROGG, (and also the EPA CAG) affirmed that the communities expects that the Water Quality Standard applied to the Gowanus be one where real institutional controls are imposed, restricting the amounts of sewage pathogens allowed to be dispersed into the Gowanus by way of the State Permitted CSO's. (That requirement means meeting measurable levels in the actual water, and not meeting theoretical model level of volume of CSO dumped, as this current DEIS focused solely on, as discussed below.)

The DCP commissioners should also be aware that our members have participated in the NYC DCP Gowanus Stakeholder Study Groups: Sustainability and Resiliency; Public Realm, Housing, Arts & Culture, and Industry & Economic Development groups held here in Gowanus. Our members have put

in many volunteer hours to both understand and share concerns about all of these issues we face in Gowanus. And through our work in the EPA CAG, we requested that City Planning (given it's proposed changes in land-use) also join the community in requesting that the Water Classification be changed as part of the rezoning to a standard comparable with the new proposed uses.

It is through this lens (combined with the fact that we live daily with the realities of this canal and this coastal drainage basin) that we are submitting our comments on the chapter of the DEIS. Our community has been steadfast in our oversight in the pursuit of health and the environment for the Gowanus district precisely because the concerns are so real to us and government response has been so slow in implementing corrections, even as required. We know that the city has abandoned Gowanus infrastructure in the past, for long periods, we know that the recent DEP improvements in Gowanus are carbon-intense energy demanding facilities. Gowanus is very much in need of an urban land-use plan that is actually sustainable, unlike the present proposal which avoids the proper assessment of impacts by all involved agencies charged with meeting federal standards for Health and Environment in Gowanus.

DEIS -

Water Quality Standard Matters, Net-Zero not relevance

For 20 years now the Gowanus community has been requesting that the canal be given a Water Quality Classification with enforceable limits on pathogen levels for contact recreation use. It is more than just sad that as the City Planning moves forward with this rezone with so much residential uses to be added to the banks of the canal where the enforceable water standards don't limit sewage pathogen levels, which today hit such levels that max-out test measuring capabilities. And yet the DCP Gowanus documents, through the images it has published on the rezoning, is affirming the use of the canal waters is to be 'contact recreation' which requires a better NYS Water Classification. While the proximity of so many new residents to the water carries more risks of accidental contact with this water. The DEIS assessment for sewage handling in this basin, is not being addressed as a recreational water way, but a class SD water which the state says is best for fish survival. Under this DEIS, Gowanus remains without institutional controls on sewage pathogen. Safe contact with this water way, recreational or accidental, is little more than a hopeful wish in this rezoning.

The analysis of the sewer system is predicated around the city Stormwater Rules, whether 2012 or the new Unified Stormwater Rules. However, Water Quality Standards are not set based on gallons or sewage overflow but content actually in the open surface water. Controlling the volume of CSO may be a means to meeting a water quality standard, but change in CSO volume is not a measure of Water Quality Standard. The slogan "net-zero" CSO is without meaning, it needs a verification that given the change in land-use, each current gallon of CSO has the same ratios of household waste and stormwater as the proposed land actions will. The DEIS does not even consider if the ratio of the content will be altered with thousands of additional residential units given the DEP's sole focus on stormwater. And we know stormwater is a driver of CSO, but we also know that the present drainage of stormwater into the system, driving current CSO in Gowanus will remain relatively unchanged under the proposed action. This water shed will still be draining all of Atlantic Yards, much of Park Slope, and all of Carroll Gardens & Red Hook.

We need to know, even *should* CSO volume actually be kept, or even slight reduction, will the concentrations of raw sewage within the the existing combined system change for the worse, causing even higher levels of pathogens to be present in the surface waters of the Canal, the Bay, and the East River. The DEIS fails to consider

But there are serious concerns that the volume of CSO will increase under this action, given all the many new additions to the serve system throughout the Brooklyn area served by the two DEP collection systems, Red Hook and Owls Head. All these cumulative inputs need to be considered.

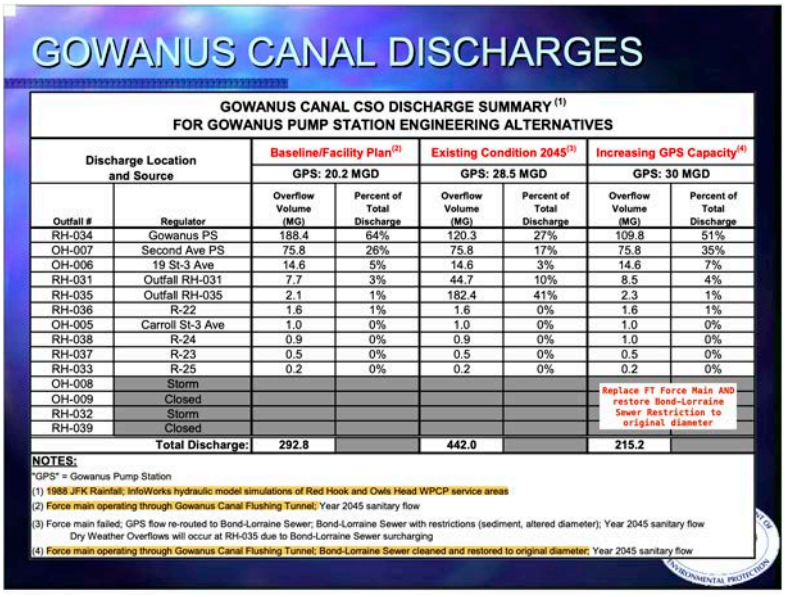
Existing Land and Storm Drainage Considerations

We also see that the DEIS claim of reduced CSO is based on by not taking the necessary 'hard look' at the exiting drainage of development sites in Gowanus. The assessment made does not distinguish between development sites currently being drained stormwater and those or not drained into the sewer system.

In the 1984 Department of City Planning report, Gowanus, A Strategy for Industrial Retention, Table 1 Area Land Use Summery on page 17 shows that total Industrial area is 106.3 area. The DEP WWFP tells us that there are 104 acres of un-sewered land in the Gowanus watershed. Many of the land segments along the banks of the canal currently don't collect stormwater and direct it into the sewer. Before the Whole Foods site was developed, it functioned with two septic systems and drained storm water into the canal. Along the canal and Bond Street there are current open parking lots with any stormwater drainage systems. Most of these canal side sites presently send very little or no drainage into the city's combined sewer system. The six- acres of Public Place is such an example. It is these current conditions must be considered as they relate to current CSO volumes emitted from the sewer system and the concentration of the CSO content and then compared to the proposed change in inputs from each development site. To allow a development application to assume they currently drain rain into the system and allow them to then claim an offset for the new household waste sewage volume cannot be allowed in this fragile waterway where pathogens presently spike high in the upper canal. The DEIS must be honest about the realities of the changes in additional sewage to be generated and carries in the existing combined sewer system. From our view in Gowanus, it looks like these proposed residential developments will be adding not only domestic sewage waste from sites where presently there is very, very little sewage input.

DEP Gowanus Facilities and Repairs -WWFP & EPS Superfund Tanks

An issue that is not address in the Chapter 11 Water and Sewer Infrastructure, are the repairs which have been proposed for the section causing restriction of sewage flow through the Bond-Lorraine sewer where it runs beneath Public Place. The 2004 preliminary DEP Waste Water Facility Report data on CSO is shown below. This report states that part of the reduction in CSO volume was to be achieved by eliminating the restriction in the sewer.



GOWANUS CANAL CSO DISCHARGE SUMMARY [1]
FOR GOWANUS PUMP STATION ENGINEERING ALTERNATIVES

Discharge Location and Source		Baseline/Facility Plan[2] GPS: 20.2 MGD		Existing Condition 2045[3] GPS: 28.5 MGD		Increasing GPS Capacity[4] GPS: 30 MGD	
Outfall #	Regulator	Overflow Volume (MG)	Percent of Total Discharge	Overflow Volume (MG)	Percent of Total Discharge	Overflow Volume (MG)	Percent of Total Discharge
RH-034	Gowanus PS	188.4	64%	120.3	27%	109.8	51%
OH-007	Second Ave PS	75.8	26%	75.8	17%	75.8	35%
OH-006	19 St-3 Ave	14.6	5%	14.6	3%	14.6	7%
RH-031	Outfall RH-031	7.7	3%	44.7	10%	8.5	4%
RH-035	Outfall RH-035	2.1	1%	182.4	41%	2.3	1%
RH-036	R-22	1.6	1%	1.6	0%	1.6	1%
OH-005	Carroll St-3 Ave	1.0	0%	1.0	0%	1.0	0%
RH-038	R-24	0.9	0%	0.9	0%	1.0	0%
RH-037	R-23	0.5	0%	0.5	0%	0.5	0%
RH-033	R-25	0.2	0%	0.2	0%	0.2	0%
OH-008	Storm					Replace FT Force Main AND restore Bond-Lorraine Sewer Restriction to original diameter	
OH-009	Closed						
RH-032	Storm						
RH-039	Closed						
	Total Discharge:	292.8		442.0		215.2	

NOTES:
"GPS" = Gowanus Pump Station
(1) 1988 JFK Rainfall; InfoWorks hydraulic model simulations of Red Hook and Owls Head WPCP service areas
(2) Force main operating through Gowanus Canal Flushing Tunnel; Year 2045 sanitary flow
(3) Force main failed; GPS flow re-routed to Bond-Lorraine Sewer; Bond-Lorraine Sewer with restrictions (sediment, altered diameter); Year 2045 sanitary flow
Dry Weather Overflows will occur at RH-035 due to Bond-Lorraine Sewer surcharging
(4) Force main operating through Gowanus Canal Flushing Tunnel; Bond-Lorraine Sewer cleaned and restored to original diameter; Year 2045 sanitary flow

The DEP numbers used in this CSO reduction calculations had originally included addressing the repair work to the Bond-Lorraine sewer which we understand is under Public Place. The CSO reduction numbers with the work are the same given in DEP's WWFP. But this work has not occurred, nor had DEP planned for it, while continuing to used the numbers which include this work. In addition, in the EPA Record Of Decision (ROD) the appendix states that:

> *"NYC owns more than half of the property subject to the Public Place cleanup and also owns the Bond-Lorraine sewer beneath the property, which will need to be replaced as part of the cleanup. The sewer replacement will remove sewer flow obstructions which have been present at this location for decades. In so doing, the project will help reduce the frequency and volume of CSO events in this area of the canal."*

DEIS sewage assessment does not discuss the Bond-Lorraine sewer obstruction, while we believe the calculations on CSO volume used in the DEIS continue to be based on this repair work being done.

And we would also lie to raise concerns that we do not believe it is acceptable for the DEP to include in their DEIS calculations the two CSO tanks required by the EPA as these do not currently exist, nor are they expected to be in existence until after the DCP's full build-out dates for this rezoning. We understand that the DEIS must address actual sewage capacities that exist in making the assessment on sewage impact. A DEIS produced along with involved agencies, may have prevented this type of evaluation without the adjoining evaluation based on current reality.

Air Shed and CO2

The DCP clearly identifies problems with the zoning build out and the carrying-capacity of the air-shed given the requirements it looks to impose on development sites in the "E" Designations. The Gowanus air carries a lot of dirt, those who have lived elsewhere and in the low area around the canal know this too well. So even the measures proposed by under the 'E' Designation don't seam adequate given that there is no actual way to address future burden this development will place on the Gowanus air-shed once the build out has happened. This assessment needs to be more stringent and the solution needs to insure that the current air quality problems are not compounded by the proposed high-rise buildings which will impact air flow while adding to heat island effects in Gowanus.

Energy

We have serious concerns with the energy planning in the DEIS.
First the 'E' designation requirements, mandating the use of gas fired HVAC systems does not align with current city policy to prevent new building gas hookup. The DEIS must present an exultation of this matter specifically as it relates to other city policy on gas usage.

Additionally the Energy evaluations in the DEIS jump to the conclusion that when buildings are built by NYC Energy Code requirements, you end up with an energy efficient system. This is not been shown to be the case as energy codes only effect aspects of a new building's energy uses and don't effect the actual energy use choices of occupants.

The DEIS is based on the Gowanus Photo-type spot rezoning site of the Toll Brothers/Lightstone Development on Bond St recently completed. With the new city Building energy ratings being issued, we see that the building at 363 Bond street has an energy grade of a "D". The DEIS section on Energy assessment needs to assume that all the buildings allowed under this zoning action may have an energy rating of a 'D'.

Further it is not helpful that the DEIS evaluates energy use nor CO2 emissions by comparing the proposed use for Gowanus to the totals of NYC. NYC has the 3rd largest CO2 foot print in the world so of course the makes the Gowanus rezoning look irrelevant. But if you live in many other cities in the US the new energy demands from this rezoning are most significant. Please consider these in terms of much needed reductions in CO2 should we hope to keep the sea from overtaking Gowanus too soon.

Historical Preservation
The DEIS must consider the Proposal before NY State on listing the Gowanus as a Historic Site on the National Historic Registry. The State has fully supported this listing and it would be of value to development that may wish to make use of tax credits in this program to maintain their properties.

Hazardous material

There are serious concerns with the remediation plans for Public Place. This site had a State approved ROD for cleanup under the NYS Superfund program which what dropped well after full approval. The cleanup work was then moved under the state Brownfield Program while the EPA head engineer was our of the country and not consulted with about the significant down grade in the Brownfield cleanup plan.

Please be aware that the fact that building housing over an MGP site has been done in the past , is not evidence of safety. There are issues with building slab systems used where toxins are left in the ground as significant levels will be in Gowanus. There are not clear answers on how long building slob measures remain intact, especially given being build over fill such as Public Place. The State Superfund program has more robust measures to address future problems that may arise where so much toxic material is to remain. This sit should be handled under the Superfund Program and not developed by way of the Brownfield Program.

We appreciate your consideration of our concerns. We ask that the commissioners not vote for this proposal given the current inadequacies of the DEIS. We ask that you carefully respect the thoughtful comments given by our local representatives on the rezoning, especially those given by State Assembly Member Joanne Simon in making your decisions effecting significant environmental issues in Gowanus.

Friends & residents of Greater Gowanus
DEIS comments submitted her by
Frogg Officer, Marlene Donnelly

State Senator Letter on Opposition to this Rezoning:
https://www.nysenate.gov/sites/default/files/in-the-news/attachment/senmontgomery-statement-19dcp157k.pdf

The Old American Can Factory
GOWANUS BROOKLYN

TESTIMONY

Date: 30 July 2021

To: City Planning Commission Chair Marissa Lago and Commissioners

CC: Councilmember Brad Lander, Borough President Eric Adams

From: Nathan Elbogen, Diana Reyna, Sandy Hornick, Ben Margolis

Subject: Modification to Section 139-48: Authorization for Large Mixed-Use Sites
regarding The Old American Can Factory site corner Third St and Third Ave (Brooklyn, Block 980, Lot 8)

A. REQUEST TO NYC CITY PLANNING COMMISSION

The Old American Can Factory (The Can Factory), respectfully requests that the City Planning Commission make modifications to *Section 139-48: Authorization for Large Mixed-use Sites* of the proposed plan, which provides height relief on large development sites.

The Can Factory currently houses the neighborhood's greatest concentration of Gowanus Mix uses, and has proposed an expansion plan consistent with the proposed M1-4/R7X zoning, which would preserve and support the existing Gowanus Mix. However, under the use restrictions of the proposed Authorization, it is not possible to balance mandatory affordable housing plus the Gowanus Mix necessary to achieve a financially viable mixed-use development and the policy goals of the Gowanus Neighborhood Plan.

The modifications requested are as follows, and as attached hereto:

1. Paragraph 1:
    - *Remove*: "…#predominantly# non-#residential uses#..."
    - *Replace with*: "…#residential# and non-#residential uses# including #Gowanus Mix uses#…"

    A truly integrated mixed-use project is not financially feasible if the residential uses are reduced to the levels of the Authorization. This proposed change to the Authorization will secure Gowanus Mix uses in perpetuity within a zoning designation that otherwise does not require ANY non-commercial or Gowanus Mix.

2. Section (b) Findings:

    (1) "Where modifying #bulk# regulations..."
    - *Remove*: "…non-#residential uses# within the #buildings# than would be feasible by applying the "Special Gowanus Mixed Use District# regulations on the zoning lot…"
    - *Replace with*: "...a superior configuration of #buildings#" on the #zoning lot."

    (2) *Add*: "that a commitment has been provided for the preservation of not less than twenty percent of the #floor area# on the #zoning lot# for #Gowanus Mix uses# and accessory #uses# thereto."

3. Final Paragraph:
    - *Remove*: "…#predominantly# non-#residential uses#..."
    - Replace with: "…not less than twenty percent of the #floor area# for #Gowanus Mix uses# and accessory #uses# thereto."

We propose that the Authorization require 20% of a development to be Gowanus Mix uses in perpetuity. This requirement will deliver on the City's policy goals for the Gowanus Neighborhood Plan.

B. THE CAN FACTORY BACKGROUND

For over three decades, The Can Factory has served as a vital nexus of the Gowanus industrial and cultural community, and has been a paragon of "Gowanus Mix" uses. It is currently home to a community of close to 100 commercial units and nearly 300 artisans, visual/performing artists, poets/writers, filmmakers, architects/designers, publishers, non-profit organizations, and others working in the creative industries. Three buildings on the site were recently landmarked (with our support), fulfilling a community commitment to preservation of Gowanus' historic industrial sites.

C. A PLAN FOR SECURING GOWANUS MIX USES IN PERPETUITY

The Can Factory's proposed expansion plans presented as early as 2016 (and known as Industriana® GC) offers the community and the City a long-term commitment that Gowanus Mix uses will be retained on the site, coupled with artist housing, especially for senior artists, in addition to the Mandatory Inclusionary Housing required.

However, with most of the street-facing buildings landmarked, any new development is now limited to a reduced and narrow footprint, requiring a building height beyond the proposed 145' height limit, which allows only about 65% of the available FAR to be realized, and rendering the project unfeasible. Even with a height modification via a City Planning Commission authorization, the required use mix would leave 62.5% of the project to be cross-subsidized by only 37.5% of the project, an uneconomical business model.

We understand that CPC has denied The Can Factory's request for a proposed Chair Certification. As an alternative, Department of City Planning (DCP) has proposed an Authorization in Section 139-48 to help remedy this constriction, however, as noted, it reduces the amount of residential development thus making a robust mixed-use expansion project financially unfeasible, and in fact, encourages a residential only development.

The Can Factory's requested modification to the Authorization language includes a required finding that no less than 20% of the development be committed to Gowanus Mix (arts, arts-related and light manufacturing) uses. This equals approximately 60,000 ZSF(based on the proposed development plan) to be reserved for Gowanus Mix uses, equal to 100% of ZSF the landmarked industrial buildings, and equates to a total of 1.2 FAR - six times the amount of the 0.2 FAR Gowanus Mix use incentive within the Gowanus Special District.

It is our understanding that this request for clarification is within Scope.

D. HELP SECURE GOWANUS MIX TODAY

The proposed Gowanus Neighborhood Plan includes a non-mandatory incentive to developers in order to provide Gowanus Mix uses in designated areas, primarily in future development projects. With our requested modification, the City could secure the largest concentration of Gowanus Mix uses CURRENTLY EXISTING within the rezoning area.

The Can Factory is an integral part of the community that the rezoning seeks to preserve and grow, and a vital component of its past and future. CPC can help to ensure that The Can Factory continues to provide its unique mix of arts/manufacturing uses into the future by allowing for development of a new mixed-use building that includes residential uses under a carefully prescribed set of conditions.

Thank you kindly for your consideration of this current request.

139-48
Authorization for Large Mixed-use Sites
Requested Modifications 05/21/21 (by Sandy Hornick)

In Subdistrict B, for #developments# on #zoning lots# located in a #Mixed-Use District#, on a #zoning lot# greater than 40,000 square feet in #lot area#, the City Planning Commission may authorize the modification of the regulations set forth in paragraph (a) of this Section to facilitate a #development# that will result in a mix of #residential# and #non-residential# #uses# including #Gowanus Mix uses# on the #zoning lot#, provided that the findings set forth in paragraph (b) of this Section are met.

(a) Modifications

The Commission may modify the following regulations:

(1) the #use# regulations of this Chapter, limited to ground floor #use# regulations and supplemental #use# regulations;

(2) the #bulk# regulations of this Chapter, except #floor area ratio# regulations, provided that any modifications to height and setback regulations do not exceed the heights permitted in an M1-4 District as set forth in Section 43-43; and

(3) the parking regulations related to the number of required #accessory# off-street parking spaces and the location and spacing of curb cuts.

(b) Findings

In order to grant such authorization, the Commission shall find that:

(1) where modifying #bulk# regulations, such modifications shall result in a superior configuration of #buildings# on the #zoning lot#;

(2) that a commitment has been provided for the reservation of not less than twenty percent of the #floor area# on the #zoning lot# for #Gowanus Mix #uses# and accessory #uses# thereto;

(3) where modifying ground floor #use# regulations, the advantages of an off-street loading and access outweigh the disadvantages incurred by the interruption of retail continuity; and

(4) where modifying supplemental #use# and curb cut regulations, that such modifications would present a limited interruption and would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

Upon completion of the #development#, the #zoning lot# shall remain occupied by not less than twenty percent of the #floor area# for #Gowanus Mix uses# and accessory #uses# thereto. Such requirements shall be reflected in a notice of restrictions recorded against all tax lots comprising such #zoning lot#, and a copy of such notice shall be provided to the Department of Buildings.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

XØ PROJECTS INC 232 THIRD STREET E300 BROOKLYN NY 11215 718 237 4335



XØ Projects Inc. (XØP) and LMS Realty Associates LLC have evaluated opportunities for additional development at *The Old American Can Factory*, a property it operates and owns respectively located at Third Street and Third Ave in Gowanus, Brooklyn, in order to accommodate an expanded facility and additional programming.

For more than three decades, The (OA) Can Factory has been recognized as a successful post-industrial urban development, attracting and incubating numerous businesses and providing attractive and stable space for thousands of artisans and artists. The complex is currently a curated home to more than 330 people working in the creative industries.

The (OA) Can Factory, constructed between 1884 and 1910, is a 130,000 SF complex of six inter-connected buildings located on the Gowanus Canal's Fifth Street Basin. It sits on a single tax and zoning lot (Block 980 Lot 8) of approximately 50,000 SF. Beginning in 2003, XØP redeveloped the complex as a workplace dedicated to the arts, culture and light manufacturing by upgrading the infrastructure, renovating interiors, and expanding rentable space - from 15 units in 2003 to more than 100 today, with 100% occupancy.

In 2016, after several years of visioning and planning, XØP proposed a preferred development plan that includes the adjacent vacant lot which would be developed in collaboration with its owner. The combined lots total 1.5 acres and could accommodate a total of 450,000 ZSF. The expansion would be mostly vertical – a high-rise building set upon a new low (4 stories) building on the east, bridge over the existing mill building, and rest on the former powerhouse on the west. In this scheme, all of the existing historic structures would remain intact and there would be no displacement of existing tenants or interruption of services, even during construction.

The expanded facilities would house a basilica with multiple exhibition, performance and civic spaces, topped by additional office space for non-profit organizations, publishers and designers. The majority of the new high-rise building would accommodate work-live units for artists, artisans and other cultural professionals, with a percentage of units dedicated for aging practitioners in addition to ~25% of the residential floor area committed for affordable housing as required by MIH zoning regulations.

The Can Factory plan exemplifies many of the stated goals of NYC DCP's Gowanus Neighborhood Plan and other city-wide policy goals, such as: > preserve/provide space for light/artisan manufacturing uses and good jobs; > preserve/provide space for public arts & cultural uses; > preserve/provide studios for artists; > provide housing for artists; > provide housing for seniors; > provide affordable housing; > preserve/enhance historic buildings, and; > re-inforce the overall 'mixed-use' life and character that is Gowanus.

PARTNERS

LMS Realty Associates LLC owns millions of SF of industrial and commercial properties in and around New York City and is planning the redevelopment of several key assets including The (OA) Can Factory.

XØ Projects Inc (XØP) provides planning, architecture and consulting services for the programming, development and management of industrial and cultural facilities, and has planned and designed more than 5MM SF of such projects.

CONSULTANTS

Appleseed *Economic Development*

BJH Advisors *Finance*

Cumming *Cost Estimating*

Cycle A+P *Sustainability*

Diana Reyna Strategic Consulting *Community Affairs*

FriedFrank *Land Use*

HDR *MEP Engineering (Pending)*

HOK *Structural Engineering*

Hornick Consulting *Land Use*

Mueser Rutledge *Geotech Engineering*

Langan *Environmental (Pending)*

Lansing Warren *Financial & Project Management*

Perkins + Will *Urban Planning*

Proskauer Rose *Legal*

Relboc Advisory *Strategic Planning*

From: Larisa Fuchs <larisa@geminiandscorpio.com>
Sent: Monday, June 7, 2021 3:12 PM
To: 19DCP157K_DL@planning.nyc.gov
Subject: 19DCP157K - Comments on the DEIS

Hi

I'm a business owner in Gowanus -- specifically the owner of the Gemini & Scorpio Loft, which the rezoning proposal plans to displace with new construction, as we're located in the prime real estate spot on Douglass St (development site 13). There is a lot wrong with the current proposal, which many others have addressed. But here's just some of the inaccuracy and shortsightedness as it concerns our location alone, which should be fixed in the next iteration of the proposal:

1. Nobody from the city consulted us about what we do, our annual operating budget and our impact on the local Arts sector. The proposal mentions that we and two other to-be-displaced spaces represent "1.5 percent of the Arts, Entertainment, and Recreation sector businesses and 1.4 percent of the Arts, Entertainment, and Recreation sector employment in the study area." What are those estimates based on, when nobody has gotten any direct information from us? Because it's certainly not on real numbers or any actual economic & social impact.

2. If the "Arts, Entertainment, and Recreation sector" calculation lumps performing arts spaces such as ours together with bars, restaurants, and workout zones now dominating the area, it wrongly skews representation numbers. This proposal is set to destroy a much larger percentage of the arts & entertainment sector, if calculated correctly. The arts thrive in affordable industrial spaces, and the rezoning proposal eliminates those while not offering any true alternative, or any relocation or financial assistance to the displaced businesses. Ground floor retail, at retail rental rates, is out of reach for local artists, creatives and performing arts -- and frequently is not even the kind of location that's suitable for those purposes. We need to more raw industrial space zoned for commercial & creative uses, not more residential towers.

3. Performing and creative production artists aren't compensated by salaries. We pay tens of thousands of dollars to dozens of artists & creative workers every year, and are a robust local arts job creator. The audiences we attract -- thousands of people annually -- spend money in local restaurants and bars before or after the events at the Loft. The loss of this location would have a notable impact not just on audiences & local economy, but on numerous workers in the Arts & Entertainment sector.

4. We rent out our location to arts organizations at affordable rates and discount or donate our space for non-profit usage: dance, music, theater, improv, comedy, LGBT programming, activism, pop-up markets...a wide cross-section of community and arts uses. Access to the resulting events is in turn made available to the public, frequently with no fees or with low-cost tickets. This kind of relationship, and these kinds of uses, are not compatible with bars, restaurants or retail, and require dedicated performing arts space. And we do all this without relying on donations or grants, generating our own income to subsidize community use. There is no solution in this proposal for the loss of this kind of true community space.

5. The Green Building is cited as a replacement of sorts, but that location hosts no public arts programming, only weddings for the wealthy -- and generates nothing for local creatives as jobs or ongoing income. The Green Building is unaffordable to any original event production, if it were to be rented as private event space, nor is it even in the business of providing such space: they don't create any of the above original programming, nor do they rent to performing arts organizations and community groups the way we do. So to cite it in the proposal is misleading. There are

almost no spaces like ours left in the entirety of New York City, much less in Gowanus, that provide original public arts-driven entertainment and affordable creative space.

6. Lastly, we are an immigrant-, woman-, and LGBTQ-owned location that specifically caters to underserved communities, especially LGBTQ. In the current climate of minority intolerance this should be the last type of location that gets displaced. We have thousands of followers outraged by this rezoning proposal that aims to erase a vibrant minority community without a second thought. A simple internet search would have informed you of our place in NYC performing arts and LGBTQ history, our past work and this location.

Demolishing this space means demolishing one of the last accessible performing arts spaces, not just in this area, but in all of NYC. Places like Gemini and Scorpio Loft are the soul of the city, the kind of place that inspires people to move here. Not a single person will tell you they moved to this city for glass residential towers and ground-floor retail. We have been in business for 20 years, 10 of them in Gowanus, and have been lauded in every major New York press outlet in this time....and yet the city seems to be just fine with destroying a beloved & lauded minority-centric independent arts space without so much as talking to us directly. This is beyond wrong.

We are ready for conversation when you are. The current proposal is terrible for Gowanus, and those creatives who call it home, for work or daily life.

Larisa Fuchs
914.319.5587

::
::
events.marketing.pr.props.nyc loft space
parties & NYC events list | http://www.GeminiAndScorpio.com
Tw/IG: @gemini_scorpio | Fb: http://bit.ly/GS_facebook
::
::
Village Voice "Best Space for Underground Theme Parties" 2016
TimeOut "Best Secret Parties in NYC" 2013
Buzzfeed #3 in "Top 10 Steampunk Parties" 2012
TimeOut "Best of NYC" 2011; "Essential New York" 2010
amNY "Nightlife Trends 2011"
ChloeJo.com "Best List of What To Do in NYC" 2008
Village Voice "Best Of" 2006
Wall St Journal "Parties for the Good of the 'Ecology'"
New York Times "Decorating the Night in Brooklyn"
::
press coordinator: FIGMENT NYC
::

Gowanus Canal CONSERVANCY

AUGUST 9, 2021
TO: City Planning Commission
RE: Gowanus Neighborhood Rezoning and Related Actions & Draft Environmental Impact Statement
CEQR #19DCP157K

On behalf of Gowanus Canal Conservancy (GCC), please accept these comments regarding the *Gowanus Neighborhood Rezoning and Related Actions & Draft Environmental Impact Statement CEQR No.19DCP157K (DEIS)*.

Gowanus Canal Conservancy is the lead community-based environmental steward for the neighborhood and are spearheading the Gowanus Lowlands community-based planning process for the public realm, which builds upon existing remediation and planning processes to identify actionable steps towards a vibrant, accessible, and resilient network of parks and public spaces centered on the Gowanus Canal.

We are a proud member of Gowanus Neighborhood Coalition for Justice (GNCJ), a diverse coalition of residents and community organizations that advocates for a just, inclusive, and resilient Gowanus neighborhood and planning process. We stand with our GNCJ partners to demand that the City invest in the full capital needs of Gowanus Houses and Wyckoff Gardens, ensure Net Zero CSO, and establish a community-based Task Force to hold the City and developers accountable for all commitments made through the Gowanus Rezoning. We additionally work closely with and support numerous other organizations, stakeholders, businesses, and residents in the Gowanus neighborhood, who have informed the comments below. We firmly believe that robust, comprehensive planning for the future of the neighborhood is contingent on engagement of the people who know it best.

We believe that, ***if done right***, a district-wide Gowanus rezoning offers an opportunity to make progress towards a more just and sustainable neighborhood. The proposed Waterfront Access Plan and mitigation of CSO through the new Stormwater Rule are good starting points to address "green and blue" concerns, but we withhold our support until we see clear investments and commitments in public spaces and infrastructure that can 1) address longstanding environmental injustices and 2) support a growing population.

Parks and Public Space - The City must ensure that there is no adverse impact to the open space ratio, by creating and supporting more open space in the immediate neighborhood, investing in existing open spaces, restoring damages to natural resources, and supporting active, engaging use of public spaces.

Water and Sewer Infrastructure - The City must ensure that the Unified Stormwater Rule is in effect prior to the first site sewer connection enabled by the Gowanus Rezoning, provide transparent reporting on implementation of the Unified Stormwater Rule, complete a comprehensive hydrological study that fully examines the capacity of the local sewer system in relation to coastal and inland flooding in order to identify critical areas of concern for targeted infrastructure improvements and upgrades, and commit capital funds for needed infrastructure.

TABLE OF CONTENTS

1: PROJECT DESCRIPTION	3
2: LAND USE, ZONING, AND PUBLIC POLICY	5
5: OPEN SPACE	8
6: SHADOWS	17
9: NATURAL RESOURCES	18
10: HAZARDOUS MATERIALS	23
11: WATER AND SEWER INFRASTRUCTURE	23
20: CONSTRUCTION	30
21: MITIGATION	30

1: PROJECT DESCRIPTION

ANALYSIS

Concerns about Reasonable Worst-Case Development Scenario

We continue to be concerned that the *Gowanus Neighborhood Rezoning and Related Actions & Draft Environmental Impact Statement CEQR No.19DCP157K (DEIS)* does not accurately portray the amount of density that could result from the proposed rezoning, as detailed in our comments on the *Draft Scope of Work (DSOW)*.[1] These comments pointed out map and data discrepancies, 91 sites identified as Potential Development Sites that should be considered Projected, and 96 parcels that were excluded as Projected/Potential Development Sites that should be further examined as study sites. An analysis that re-examines the selection of Projected Development sites to include both likely-to-develop Potential Sites and likely-to-develop sites excluded from the *DSOW* projection would more accurately represent a future Reasonable Worst Case Development Scenario (RWCDS). The *Final Scope of Work (FSOW)* incorporated 3 additional sites as Projected, but did not address the other sites of concern. If the additional sites had been addressed, the predicted increase in population would be closer to 15,680 residential dwelling units and 32,773 residents. The current RWCDS does not account for these potential additional 13,000 residents, amounting to a substantial underestimation of all tasks assessing environmental impacts of the rezoning.

In their response to comments on the DSOW, the City states that *"the approach used to develop the RWCDS is consistent with criteria outlined in the CEQR Technical Manual"*.[2] However, the Department of City Planning (DCP) has a track record of underestimating residential development in an adjacent neighborhood when using the same criteria.[3] If the City fails to update their criteria with lessons learned, many of them specific to conditions in this neighborhood, it can be expected that the resulting *Final Environmental Impact Statement (FEIS)* will not accurately portray the impacts, even if it does comply with CEQR.

Additional mitigation is needed for unexpected residential population in adjacent neighborhoods

In Downtown Brooklyn, the City severely underestimated residential population growth as a result of the 2004 rezoning[4] and did not invest in sufficient community infrastructure, including open space, school seats, libraries, and community facilities. This neighborhood shares numerous critical infrastructures with Gowanus, in particular the RH-034 CSO-shed, the Borough Hall Energy Service District, District 15 school seats, and the F, G and R train lines. In numerous parts of the *DEIS*, the City claims that the Gowanus rezoning won't have an adverse impact on infrastructure, but ignores the adverse impact that was already created by the Downtown Brooklyn Rezoning. The City's objectives for the Proposed Actions include: "*Support[ing] a successful Neighborhood Plan by institutionalizing a comprehensive planning framework that is inclusive of relevant capital infrastructure needs and services to support current demand and future growth."*[5] In line with this objective, the City must take responsibility for their previous actions, and use this opportunity to fully mitigate the impacts of both the Gowanus rezoning and the Downtown Brooklyn rezoning.

Previous city commitments to open space, infrastructure, and community amenities should not count as mitigation under the EIS

The *FSOW* and *DEIS* continue to discuss existing City commitments, such as renovating the Gowanus Community Center, as an element of the Gowanus Neighborhood Plan.[6] The projects below must be acknowledged as funding that

---

[1] Gowanus Canal Conservancy, *Comments on Gowanus Neighborhood Rezoning and Related Actions Draft Scope of Work CEQR No.19DCP157K*, 2019, p.3
[2] *FSOW*, Appendix 1, p.90
[3] Municipal Arts Society, *A Tale of Two Rezonings: Taking a Harder Look at CEQR*, 2018
[4] Municipal Arts Society, *A Tale of Two Rezonings: Taking a Harder Look at CEQR*, 2018
[5] *DEIS,* 2-49
[6] *FSOW,* Appendix 1-30

has already been committed to neighborhood infrastructure, but not spent. These commitments should be followed through on, and should not be counted towards City funding associated with the rezoning:

- District 39 Participatory Budget funding for 9th, 3rd and Union Street Green Corridors (2013: $170,000, 2015: $150,000)
- District 33 Participatory Budget funding for Gowanus Houses Community Center (2014: $475,000)
- DEP has committed to installing green infrastructure assets that will manage 12 percent of the impervious surfaces or a 41 MG reduction in annual overflow volume[7] within the Gowanus Canal combined sewer service area by 2030[8]. To date, DEP has reached the 70% target for this goal[9] and additional ROW green infrastructure practices and public property retrofits are owed to the watershed through the Green Infrastructure Program.

Need for a Zoning Commitment Task Force

Pursuant to Local Law 175 (2016), the City is responsible for publishing a list of capital and programmatic commitments associated with neighborhood-scale rezonings, and an annual progress report detailing the status of each initiative, which it does through the NYC Rezoning Commitment Tracker. However, this important resource currently operates as a one-way conduit, and does not support the community in understanding or giving feedback on the ongoing status of commitments. Given the scale and complexity of this proposed action, the overlaps with Superfund and other neighborhood remediation activities, and the documented concern that the City is underestimating residential development, the City must recognize and fund a Zoning Commitment Task Force to ensure that commitments identified in the proposed Gowanus Rezoning, EIS, and Neighborhood Plan are met by the City and private developers.

The proposed Gowanus Zoning Commitment Task Force will act as a resource for the community that not only provides up to date information, but also serves as a place and process to register issues, and a governance structure that encourages proactive public-private partnership and accountability around implementation. With representation from local organizations, residents, and stakeholders, the Task Force will empower the community to hold the City and development entities accountable for the Gowanus Neighborhood Plan throughout its execution. The Task Force will collect and organize reporting from responsible agencies on their rezoning commitments, and disseminate the information in a transparent and accessible manner. The Task Force will facilitate productive and respectful engagement between government agencies, development entities, and a range of diverse stakeholders in the community, with the aim of raising up voices of those most impacted.

As noted above in the case of the Downtown Brooklyn Rezoning, the City's CEQR process frequently underestimates the scale of developments, leaving decision makers with incomplete information and neighborhoods unequipped to successfully absorb impacts. We believe that, ***if done right***, a district-wide Gowanus rezoning offers an opportunity to make progress towards a more just and sustainable neighborhood, but this must include a reliable representation of expected development and a realistic evaluation of impact and mitigation strategies. The process in Gowanus has informed city-wide conversations around revision of the *CEQR Technical Manual* and development of Comprehensive Planning methods in order to achieve more proactive, coordinated and equitable planning, but the Gowanus Neighborhood Plan is being implemented under existing CEQR guidelines. In order to ensure that this process is done right, , the City must address potential miscalculation along the way through incremental impact tracking, periodic reporting of FEIS assumptions to the Zoning Commitment Task Force, and following through on it's stated commitment to invest in capital infrastructure needs and services to support long term future growth.

---

[7] NYC Dept of Environmental Protection, *Combined Sewer Overflow Long Term Control Plan for Gowanus Canal, 2015*
[8] NYC Dept of Environmental Protection, *Combined Sewer Overflow Long Term Control Plan for Gowanus Canal, 2015*
[9] NYC Dept of Environmental Protection, *NYC Green Infrastructure Annual Report, 2020*

2: LAND USE, ZONING, AND PUBLIC POLICY

WATERFRONT ZONING

Under existing zoning, most new development on the NYC waterfront is required to build and maintain public space along the water. Development of waterfront parcels in the Gowanus rezoning area will result in an estimated 4 acres of new public waterfront parks governed by the proposed Gowanus Waterfront Access Plan (WAP).[10] With the right language in place, the WAP can be an powerful tool to promote successful public spaces, in combination with critical other tools: the Gowanus Lowlands Master Plan, a community oversight mechanism for waterfront esplanades, and a Parks Improvement District to support maintenance and programming.

The WAP makes strides in reaching community goals through new rules allowing for diverse elevations, wetlands, more appropriate lighting levels, and incentives for amenities. However, while the *DEIS* calls for 50% of the waterfront to be active program space, the WAP doesn't yet provide a definitive path to achieve the active and engaging spaces the community has asked for, including boat docks, playgrounds, performance space, and BBQs - instead of passive waterfronts. Areas of the WAP, outlined below, should be modified to create more accessible, ecological, diverse, and active esplanades along the water.

The WAP should create a continuous waterfront park, in character with the existing neighborhood, that is accessible, inclusive, and welcoming to the public

STREET ENDS

- *139-51 (2)* - The seating requirement for street ends should be removed to allow for flexibility and the creation of green infrastructure installations, boat launches, and larger program areas like playgrounds or splash pads.
- In DEP's forthcoming Unified Stormwater Rule, the City should allow areas that are being built and maintained by landowners under the WAP to count towards the lot area for the defined "covered development site," in order to encourage stormwater management at the street ends.

BRIDGES

- The WAP should facilitate additional pedestrian bridge crossings where access is needed, including at the First Street Turning Basin, Degraw Street, and between Gowanus Green and the Salt Lot.
- *139-44 - "#waterfront public access area# shall be designed to provide pedestrian connection to the #street# adjacent to the terminus of the bridge structure. The requirements of this Section may be waived where the New York City Department of Transportation determines that such a pedestrian connection to the #street# would result in a hazard to traffic safety."* The term 'hazard to traffic safety' should be rephrased to 'hazard to pedestrian safety', to ensure that the requirement is only waived in the most necessary of situations.
- Similarly, in *139-51(b)* DOT should be given very little leeway to waive the required connection of circulation paths to bridges, to ensure continuity and accessibility.

EXISTING AND INDUSTRIAL USES

- In *139-45 Waterfront Public Access Area Requirements,* the requirement for use group 18 (heavy manufacturing) to provide limited public access requirements (from 62-58) should include the same indemnification for liability and maintenance agreements that are in place under typical waterfront access requirements.

[10] New York City Department of City Planning, *Special Gowanus Mixed Use District Text Amendment*, 2021, p.11

PAVING

- In *139-545 Special design standards for paving*, the text should allow ADA compliant[11] metal grating on required circulation paths. In addition, the text should allow gravel (including decomposed granite) over permeable surfaces other than within required circulation paths. In both cases, these materials will allow for flexibility for increased permeability and diversity of experience, as well as improved tree health and stormwater management in areas of structural soil or suspended paving.

LIGHTING

Lighting requirements should consider the special context of Gowanus as a narrow 2-sided waterbody, be better in line with DOT requirements, support the community desire for dark skies, and account for advances in lighting technology such as the transition to LED fixtures. In *139-543 Special design standards for lighting*, the following changes should be included:

- Switch fixture from "Tear Drop (SENTRY LIGHTING SBCA3)" to "Shielded Teardrop (SENTRY LIGHTING SBCA3 + TOP SHIELD)" or Helm or Stad if LED lamps become available. This modification will decrease light pollution. This fixture is currently approved as a DOT fixture for mounting at 25-30 ft heights for roadway lighting only and the output must be decreased to avoid overlighting at pedestrian mounting. A reduced output for LED fixtures has been confirmed by the lighting manufacturer (Sentry) as an easily achievable modification.
- For LED fixtures, the output specifications must be lowered to avoid over-lighting at pedestrian mounting: (0.35 AMP, NOMINAL 2,500 LUMEN, NOMINAL 20WATT)
- Use Civil Twilight as the guide to activate electric lighting instead of sunrise.
- Include Vertical illuminance criteria within all walkable areas using the metric of Uniformity Ratio of 5:1 average to minimum illuminance.
- Require a minimum color rendering index of 80. Higher CRI values can enable better visibility without requiring increases in power.
- Include an average to maximum uniformity ratio for horizontal illuminance levels of 1:10 with waterfront public access areas.

SIGNAGE

- *139-16* should be modified to replace the generic WAP logo with a more locally contextual image.

The WAP should build and protect a resilient ecosystem that improves drainage and supports habitat

ELEVATION / RESILIENCY

- *139-51 (b) #Shore public walkways# (2)* should be modified to allow a greater percentage of required circulation path to be below six feet above the shoreline to promote design flexibility, more generous water access, and gradual slopes.

BOAT AND WATER ACCESS

- *139-544* allows for tidal wetlands installed below mean high tide to count towards the waterfront yard calculation. This provision should be expanded to allow a boat launch or get down (access point that is not planted) that is situated below mean high tide to also count towards the waterfront yard calculation.

[11] ADA 2010: Openings in floor or ground surfaces shall not allow passage of a sphere more than ½ inch (13 mm) diameter except as allowed in 407.4.3, 409.4.3, 410.4, 810.5.3 and 810.10. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel. Americans with Disabilities Act, *2010 ADA Standards for Accessible Design*, 2010, p.105

- At a minimum, the City should commit to providing boat access or emergency egress from the water between each bridge along the Canal by providing city capital commitments for access at street ends and by designating required boat access locations for private properties in the WAP.

PLANTING

- *139-544 Special design standards for planting* should be modified to allow tree planting areas with walkable surfaces over structural soil to count towards the planting requirement
- *139-544* should also allow plantings below boardwalks to count towards the planting requirement

The WAP should promote thriving public spaces with arts, active recreation, water access, and community activities along the Canal

DESIGN, CERTIFICATION AND MAINTENANCE

- The City should implement stronger measures to ensure new esplanades include at least 50% active program spaces, such as boat docks, playgrounds, and BBQs, not just the passive waterfronts that often result from waterfront zoning.
- The City must commit to adapt the waterfront certification process in order to give the community a voice in the design of the public spaces built on each property along the waterfront. This oversight should be nested in a community-based Gowanus Zoning Commitment Task Force.
- The current plan does not include any provision that requires, facilitates, or funds community-driven programming in privately-owned public spaces. The City must commit to working with local stakeholders on the creation of a Parks Improvement District that would levy a tax assessment on new development to support cohesive programming and maintenance of the public realm.

AMENITIES

- In *139-544,* the allowable square feet planting reductions per feature (ie 22 sf for picnic table, 100 sf for public art pieces) should be modified to be proportional to the size of the feature
- In *139-544*, BBQs, an amenity the community has repeatedly asked for, should be included to count towards a reduction in the planting requirement

STREET TREE REQUIREMENTS

As discussed further on page 21, Gowanus is sorely lacking in mature tree canopy and will be impacted by anticipated tree removals associated with the rezoning.

The proposed Gowanus text amendment includes a section on street tree planting that, for lots with more than 100 feet of frontage, requires tree pits closer than 25 feet to be planted as a single continuous street tree pit.[12] This is a welcome revision that will improve tree health with an expanded root zone and increase stormwater management.

In addition to the amendment already included, the City should require that all restitution and tree requirements be located in Gowanus through the creation of a Gowanus Tree Trust (see page 22 below for more details).

[12] New York City Department of City Planning, *Special Gowanus Mixed Use District Text Amendment*, 2021, p.39

5: OPEN SPACE

The Gowanus Neighborhood is lacking in open space - currently there are just 0.34 acres of open space per 1,000 residents, which is far below the recommended NYC guidelines of 2.5 acres of total open space per 1,000 residents cited in the *DEIS*. Beyond that low ratio, very little of the existing open space in the ¼ mile study area is actually in the low-lying area adjacent to the Canal.

The Gowanus rezoning will add critical open space resources to the local neighborhood, including 3.98 acres of public waterfront on privately owned land and 1.48 acres of newly mapped park at Public Place. However, with the increased population, this increased open space will still be far below the ideal ratio. Of particular concern is a reduction in the active public space ratio, which is critical to supporting a more residential neighborhood.

As discussed in comments on Chapter 1, the City should provide more mitigation for infrastructure, including open space, that was strained due to the underestimation of residential population growth in the 2004 Downtown Brooklyn rezoning. Though the City makes arguments in the *DEIS* for why they should not strive to reach their own recommendations for 2.5 acres of total open space per 1,000 residents, it is unacceptable for the already low ratios to decrease with the proposed actions, and any opportunity to increase this low ratio should be taken.

ANALYSIS

Discrepancies in DEIS data hide a decrease in open space ratio with the proposed actions

The *DEIS* shows that the open space ratio will stay at 0.34 acres per 1,000 residents in the ½ mile study area, but our analysis below shows several discrepancies in assumptions about the overall acreage of active space in new open spaces, which will reduce the ratio to 0.31 per 1,000 residents in the ½ mile study area. The *DEIS* does acknowledge the adverse impact to active open space, showing a reduction from 0.21 to 0.18 active acres per 1,000 residents in the ½ mile study area, but additional calculation discrepancies hide the full extent of this reduction. These discrepancies must be addressed in the FEIS.

Open Space introduced regardless of the proposed actions is overcounted

The table and text below describe discrepancies found in the *DEIS* assumptions about open space to be introduced regardless of the proposed actions, and GCC proposed mitigation to address these discrepancies.

TABLE 5-1: Open Space Introduced Regardless of the Proposed Actions

		***DEIS* Analysis**			**GCC Analysis**					
					Corrected Discrepancies			GCC Proposed Mitigation		
		Acreage			*Acreage*			*Acreage*		
Study Area	*Name*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*
1/4 mile	Head End Open Space	1.60	1.44	0.16	1.60	1.60	0.00	1.60	1.12	0.48
1/2 mile	625 Fulton Street	0.35	0.35	0.00	0.25	0.25	0.00	0.25	0.25	0.00
1/2 mile	Pacific Park	8.00	6.00	2.00	3.09	2.32	0.00	3.09	2.32	0.00
	Total	**9.95**	**7.79**	**2.16**	**4.94**	**4.17**	**0.00**	**4.94**	**3.69**	**0.48**
	Difference from DEIS				**-5.01**	**-3.62**	**-2.16**	**-5.01**	**-4.10**	**-1.68**

The *DEIS* cites 0.16 acres of active open space at the Head End Open Space, though the designs shared to date show

no active open space despite strong community requests. GCC proposes a commitment to 30% active space at the Head End, as described on page 13.

- The *DEIS* includes .35 acres of introduced open space at 625 Fulton Street, though there is an active zoning application to reduce this to .25 acres.[13] The GCC analysis uses the more conservative .25 acres.
- The *DEIS* analysis includes 8 acres of the proposed Pacific Park, which straddles census tracts 161 and 163, as introduced open space. However, in accordance with the CEQR Technical Manual[14], the *DEIS* only includes population projections for census tract 161 in calculating the open space ratio and leaves out census tract 163, which artificially inflates it. The GCC analysis corrects this to only include the 3.09 acres of park in census tract 161 and not the portion in census tract 163, while assuming the same ratio of active to passive space as the *DEIS*.

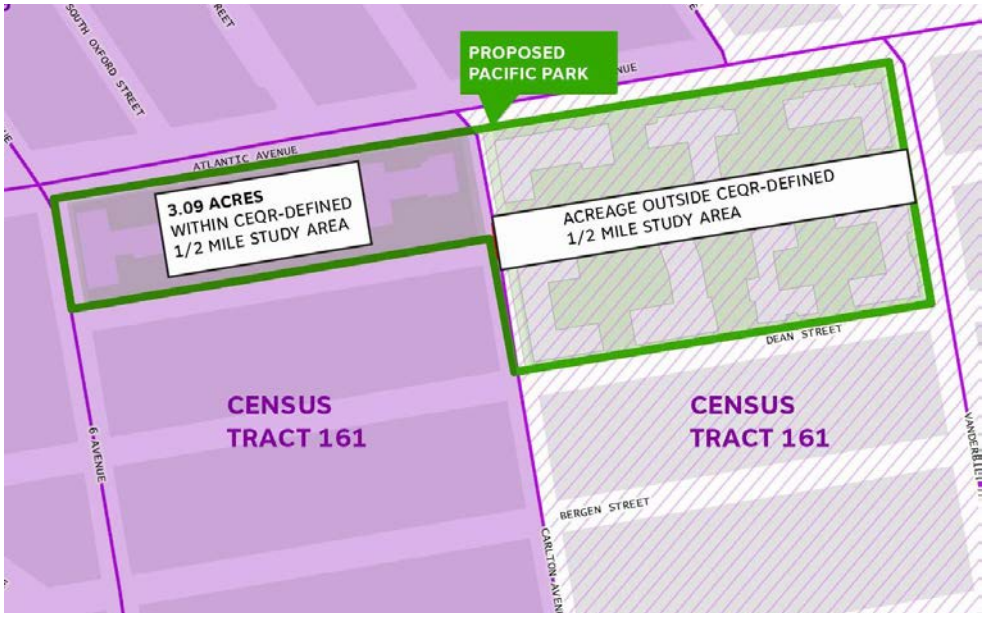


FIGURE 5-1: Only 3.09 acres of Pacific Park fall within the CEQR-Defined ½ mile study area

Open Space introduced as part of the proposed actions is less active than assumed

The table and text below describe discrepancies found in the *DEIS* assumptions about active open space percentages in new open spaces introduced as part of the proposed actions and GCC proposed mitigation.

TABLE 5-2: Open Space Introduced as Part of the Proposed Actions

		***DEIS* Analysis**			**GCC Analysis**					
					Corrected Discrepancies			GCC Proposed Mitigation		
		Acreage			*Acreage*			*Acreage*		
Study Area	*Name*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*
1/4 mile	Gowanus Green	1.48	0.94	0.54	1.48	0.94	0.54	1.48	0.74	0.74
1/4 mile	Shore Public Walkways	3.98	1.99	1.99	3.98	2.79	1.19	3.98	2.79	1.19
	Total	**5.46**	**2.93**	**2.53**	**5.46**	**3.73**	**1.73**	**5.46**	**3.53**	**1.93**
	Difference from DEIS				**0.00**	**0.80**	**-0.80**	**0.00**	**0.60**	**-0.60**

Based on CEQR guidelines for esplanades[15], the *DEIS* assumes that new shore public walkways will be 50% active and 50% passive space. However, an analysis of the existing Waterfront Public Access Areas (WPAA) in Gowanus, at 363-365 Bond and Whole Foods, show that this ratio has not been achieved using the required waterfront zoning

[13] New York City Planning Commission, *625 Fulton Street Rezoning*, 2018
[14] *CEQR Technical Manual*, 2020, p.6
[15] *CEQR Technical Manual*, 2020, p.9

dimensions, which include the 40’ Shore Public Walkway (SPWW) and minimum 12’ clear primary path. In both of these examples, active space is limited solely to the 12’ primary path which could be used for running or walking. The existing percentage of active space is 28% for 353-365 Bond and 32% for Whole Foods. Though we firmly request that the City implement stronger measures to ensure new esplanades include at least 50% active program spaces, as described on page 7, this cannot be taken for granted given the extremely low existing active open space ratio. GCC’s analysis in the table above uses a more realistic 30%, in line with what has been achieved on existing Gowanus SPWWs.

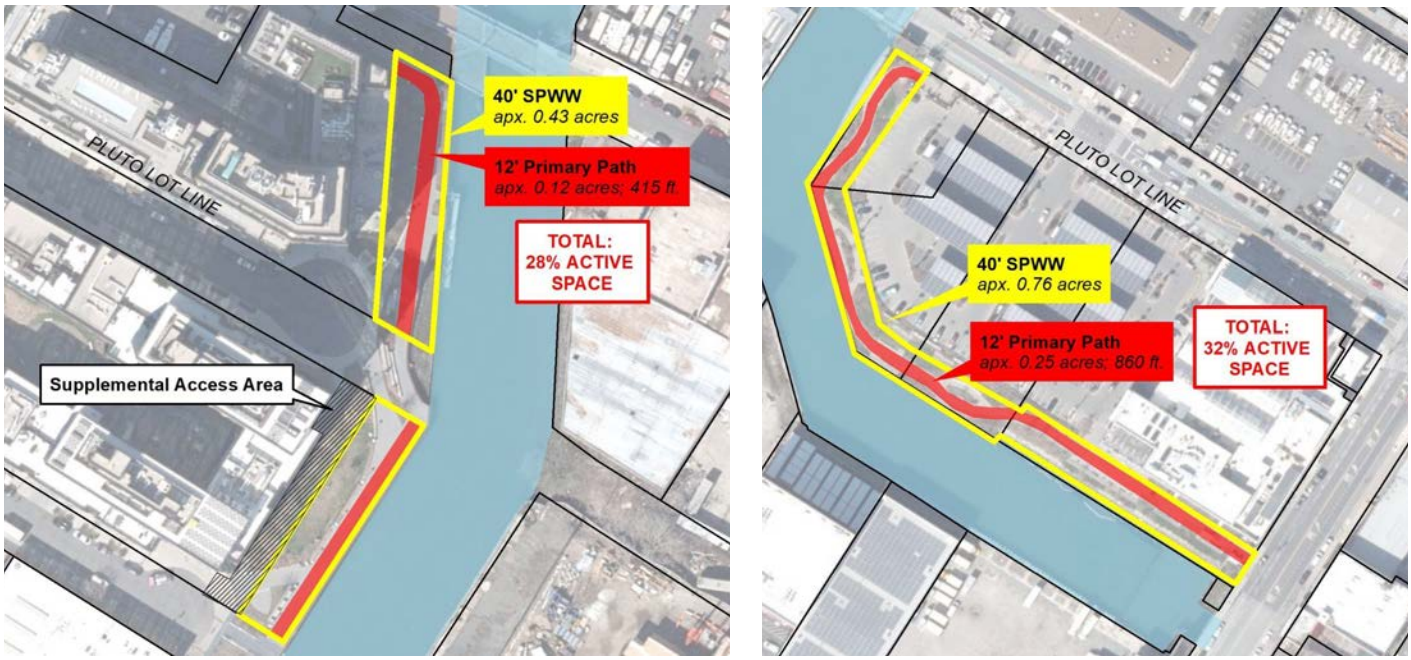


FIGURE 5-2: The percentage of active space on existing Gowanus Shore Public Walkways is 28% for 353-365 Bond and 32% for Whole Foods.

With the discrepancies described above corrected, the open space ratio with the proposed actions is more significantly adversely impacted, as shown in *GCC Analysis: Corrected Discrepancies* in Tables 5-4 and 5-5. In both the ¼ mile and ½ mile study area, GCC projects a reduction in both the total and active open space ratios as a result of the rezoning. As previously noted, this is not acceptable given the extremely low existing open space ratio, coupled with inadequate mitigation for Downtown Brooklyn residential development.

City commitments needed to mitigate adverse impacts on open space and active open space

In order to ensure that there is no adverse impact, the City must make additional commitments to capital investment, improved access, and construction timelines for open space in the neighborhood, as described on the following pages and in Figure 5-3. These commitments will eliminate adverse impacts to the total and active open space ratio, as shown in *GCC Analysis: GCC Proposed Mitigation* in Tables 5-4 and 5-5.

TABLE 5-3: Proposed Additional Open Spaces to Mitigate Adverse Impacts on Open Space

		GCC Proposed Mitigation		
		Acreage		
Study Area	*Name*	*Total*	*Passive*	*Active*
1/4 mile	The Salt Lot	3.50	2.45	1.05
1/4 mile	Green Space on 4th Extension	0.20	0.16	0.04
1/4 mile	Fran Brady / Under the Tracks Park	1.50	0.50	1.00
1/4 mile	Smith/9th Transit Plaza	0.50	0.50	0.00
1/4 mile	Pumphouse Plaza	0.30	0.24	0.06
1/4 mile	Public Boat Launches	0.25	0.00	0.25
1/4 mile	Gowanus Underpass	0.69	0.45	0.24
1/4 mile	6 Schoolyards to Playground	2.29	0.00	2.29
1/2 mile	1 Schoolyard to Playground	0.89	0.00	0.89
Total Proposed Additional Open Spaces		**10.12**	**4.30**	**5.82**

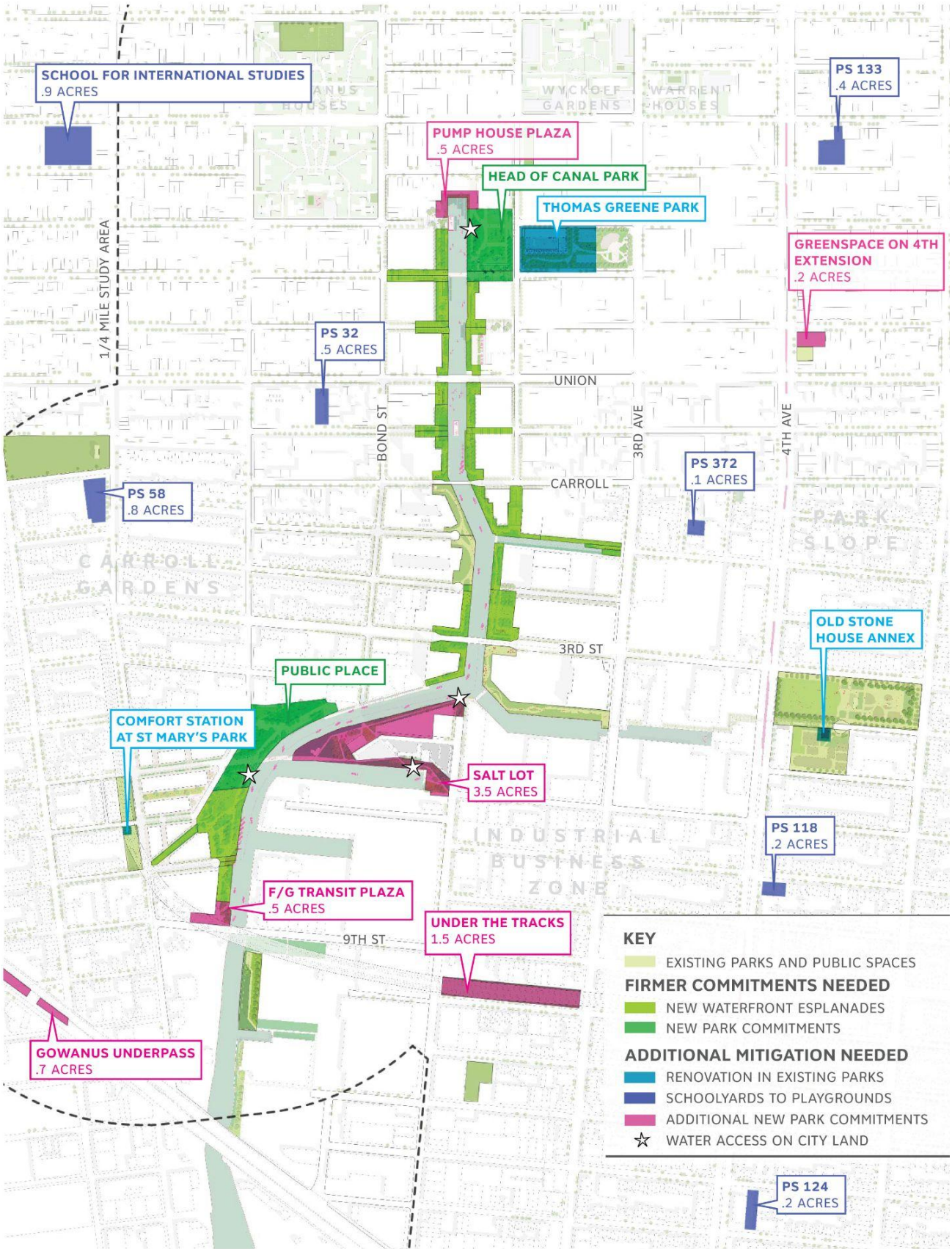
TABLE 5-4: Open Space Ratio in Non-Residential Study Area (1/4 mile)

		***DEIS* Analysis**			**GCC Analysis**					
					Corrected Discrepancies			GCC Proposed Mitigation		
		Ratio per 1000 persons			*Ratio per 1000 persons*			*Ratio per 1000 persons*		
		Total	*Passive*	*Active*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*
Existing	Workers	0.49	0.12	0.36	0.49	0.12	0.36	0.49	0.12	0.36
With Action	Workers	0.48	0.16	0.32	0.48	0.18	0.30	0.71	0.27	0.43
Difference from Existing		**-0.01**	**0.04**	**-0.05**	**-0.01**	**0.05**	**-0.06**	**0.22**	**0.15**	**0.07**
Existing	Workers and Residents	0.15	0.04	0.11	0.15	0.04	0.11	0.15	0.04	0.11
With Action	Workers and Residents	0.14	0.05	0.09	0.14	0.05	0.09	0.20	0.08	0.13
Difference from Existing		**0**	**0.01**	**-0.02**	**0.00**	**0.01**	**-0.03**	**0.05**	**0.04**	**0.01**

TABLE 5-5: Open Space Ratio in Residential Study Area (1/2 mile)

		***DEIS* Analysis**			**GCC Analysis**					
					Corrected Discrepancies			GCC Proposed Mitigation		
		Ratio per 1000 persons			*Ratio per 1000 persons*			*Ratio per 1000 persons*		
		Total	*Passive*	*Active*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*
Existing	Resident	0.34	0.13	0.21	0.34	0.13	0.21	0.34	0.13	0.21
With Action	Resident	0.34	0.16	0.18	0.31	0.14	0.17	0.37	0.16	0.21
Difference from Existing		**0.00**	**0.03**	**-0.02**	**-0.03**	**0.01**	**-0.04**	**0.03**	**0.03**	**0.00**

FIGURE 5-3: City Commitments Needed to Mitigate Adverse Impacts on Open Space



MITIGATION

We have seen too often that rezonings include commitments for open space that are then not met - Gowanus cannot repeat this mistake. The Points of Agreement must include clear timelines and capital funding for all open space commitments. The City must provide commitments in the Points of Agreement to create and support more open space in the immediate neighborhood and invest in existing open spaces. This should include the following:

1. Clear capital commitments and timelines for new planned open spaces at the Head of Canal and Gowanus Green
2. Additional capital and access commitments and timelines for open space on 6.94 acres of City-owned land in the neighborhood, identified in table 5-3 and below
3. Commit to make 7 local schoolyards accessible to the public after school hours through the Schoolyards to Playground program, providing 3.18 acres of active public space.
4. Renovations and improvements to existing parks and open spaces to ensure these spaces can support a growing population, including Thomas Greene, St Mary's, Old Stone House/Washington Park, Wyckoff Gardens Campus, and Gowanus Houses Campus
5. Modifications to the Waterfront Access Plan and certification process to better facilitate active uses, water access, and community oversight (see page 5)
6. Sustainable funding for open space maintenance through the creation of a Parks Improvement District

1. The City must make capital and timeline commitments for planned open spaces

The *DEIS* analysis identifies new public parks that must be completed in order to support the growing population. The City must make the following commitments in the Points of Agreement:

HEAD OF CANAL PARK *(1.6 acres, increase to 30% active)*

The *DEIS* counts these 1.6 acres in the Open Space analysis. EPA has recently ordered DEP to complete the tank construction by 2029, but there is not a committed date for the park construction.

- *Mitigation needed*: The City must commit to capital funding and a timeline for completion of the public open space *in addition to* the timeline for completion and operation of the CSO tank.

The *DEIS* analysis relies on 10% of this public space as *active* uses, which is not reflected in the current design despite a clear interest from the community.

- *Mitigation needed*: The City must increase the amount of active space in the existing site design. The site design must be revised to include at least 30% of the site area as *active* uses that the community has advocated for, including performance areas, a skate park, play areas, and a boat launch.

GOWANUS GREEN *(1.5 acres, increase to 50% active)*

- *Mitigation needed*: The City and developer must commit to firm capital and maintenance funding with construction timelines for Gowanus Green park.
- *Mitigation needed*: The City must increase the planned percentage of active open space in the park from 36% to 50% to serve the growing community.

2. The City must plan for and commit to capital funding and timelines for additional open space on 6.94 acres of City owned land in the neighborhood

SALT LOT *(3.5 acres, 30% active)*

The Salt Lot is the eco-industrial heart of Gowanus and currently provides critical city infrastructure (salt, sewage, and compost management) as well as a stewardship and education hub. The City will be building a sewage holding tank and

new bulkheads on the Salt Lot beginning in 2022. This site will also serve as critical infrastructure in order to reduce CSO into the Gowanus Canal, however, existing uses on the site will be displaced.

- *Mitigation needed*: The Mid-Canal CSO tank site should be improved and expanded to accommodate the existing compost facility, native plant nursery, and education and stewardship center as well as provide 3.5 acres of new public space, a large scale salt marsh restoration, and water access integrated into the design of the sewage tank.

SMITH/9TH TRANSIT PLAZA *(0.5 acres, 20% active)*

The MTA-owned parcel on the northwest corner of the 9th Street Bridge could provide an essential connector from the train station to the public waterfront.

- *Mitigation needed*: This site should become a public plaza that provides clear and safe access from the shore public walkway to the train entrance, as well as shade and seating, bicycle parking, and an area for food trucks.

UNDER THE TRACKS PARK *(1.5 acres, 66% active)*

Once an active community park, the space underneath the F/G train viaduct along 10th Street has been shuttered since the 1990s when MTA closed it to perform repairs on the viaduct.

- *Mitigation needed*: The space underneath the F/G train viaduct along 10th Street should be repurposed as public space with programming that includes artist residencies in mobile studios, rotating art installations, a maker's market, and a display area for the Kentile Sign and other historic artifacts.

GREEN SPACE ON 4TH EXTENSION *(0.2 acres, 20% active)*

Greenspace on 4th, one of the few community gardens in Gowanus, is a welcome respite along busy 4th Avenue. This garden occupies a portion of a much larger lot owned by the City and serves as an access point for a DEP Water Tunnel.

- *Mitigation needed*: The DEP-owned lot on Sackett Street and 4th Avenue adjacent to Greenspace on 4th should be developed into public space, extending the community garden into a larger native plant park with space for gathering, shade, and a composting comfort station. The site should also host an elevator connection to the northbound R Train at Union Street, a much needed accessibility investment for the growing neighborhood.

PUMPHOUSE PLAZA *(0.5 acres, 0% active)*

The DEP owned plaza at the head of the Canal is occasionally needed for access to sewer infrastructure, but is generally unoccupied and blocking access around the head of the Canal.

- *Mitigation needed*: The City should open the plaza to the public on a regular basis and invest in an educational space in the Pump House in order to provide educational interpretation of the complex hydrological history and infrastructure in Gowanus, similar to the Visitor Center at the Newtown Creek Wastewater Treatment Plant.

PUBLIC BOAT LAUNCHES *(0.25 acres, 100% active)*

When defending the low active space ratio, the overall *DEIS* refers to the 1.8 mile Gowanus Canal as *"an active open space resource for kayaking and other water-dependent activities"*[16] and states that this is *"expected to increase as accessibility and water quality improves over the analysis period, further enhancing the quality and availability of open space resources in the study area."* The City cannot sit back and "expect" this increase - they must plan for it, through a combination of commitments on publicly-owned land and clear pathways for encouraging private owners to install water access. In order to best integrate equitable access along the Canal:

- *Mitigation needed:* The City must commit to building boat launches at the Head of Canal Park, the Salt Lot, and Gowanus Green.

[16] *DEIS*, 5-31

- *Mitigation needed:* The City must identify ideal locations for water access in the Waterfront Access Plan that are in line with the following principles:
    - There should be at least one emergency egress point between each bridge, striving for even distribution on both sides of the Canal.
    - In order to allow ADA accessibility while not taking up too much space on the narrow Canal, ADA launches should be located in turning basins and at the head of the Canal.

GOWANUS UNDERPASS *(.69 acres, 35% active)*

The area under the Gowanus Expressway between Court Street and West 9th Street is heavily used by bikers and pedestrians crossing between Red Hook and Gowanus, but the traffic and air quality present serious safety and environmental justice concerns.

- *Mitigation needed:* The City must commit to creating greener and safer access across this expanse, with clear wayfinding and safety measures for bikers and pedestrians, and green infrastructure to reduce flooding and CSO.

3. The City must commit to making 7 schoolyards accessible to the public after school hours through the Schoolyards to Playground program, providing 3.18 acres of active public space.

As discussed in the *DEIS*, the City must address the open space deficit by making New York City public school playgrounds listed below accessible to the community after school hours through the Schoolyards to Playgrounds Program. The City should also provide additional capital investment that may be needed for particular playgrounds to support more use, and prioritize educational green infrastructure installations.

TABLE 5-6: Proposed Schoolyards to Playgrounds

		GCC Proposed Mitigation		
		Acreage		
Study Area	*Name*	*Total*	*Passive*	*Active*
1/4 mile	PS 124: Schoolyard to Playground	0.23	0.00	0.23
1/4 mile	PS 118: Schoolyard to Playground	0.19	0.00	0.19
1/4 mile	PS 133: Schoolyard to Playground	0.38	0.00	0.38
1/4 mile	PS 372: Schoolyard to Playground	0.13	0.00	0.13
1/4 mile	PS 32: Schoolyard to Playground	0.51	0.00	0.51
1/4 mile	PS 58: Schoolyard to Playground	0.84	0.00	0.84
1/2 mile	School for International Studies: Schoolyard to Playground	0.89	0.00	0.89
Total Proposed Schoolyards to Playgrounds		**3.18**	**0.00**	**3.18**

4. The City must commit to renovations and expanded access to ensure that existing parks and open spaces can support a growing population

THOMAS GREENE PARK

Under an Administrative Settlement with the EPA, National Grid is required to remediate the western two thirds of Thomas Greene Park, within the footprint of the former Fulton Manufactured Gas Plant site. While National Grid will be required to replace the park in kind, there is a need for additional investment to create an urban park that meets

community needs aligned with the Master Plan developed by Friends of Thomas Greene Park and the Lowlands Master Plan. The design should complement and connect to the Head of Canal Park across Nevins Street and design elements should include an expanded pool and pool house, additional plantings, and sports facilities.

- *Mitigation needed*: The City must work closely with National Grid to identify a location for a temporary park and pool during remediation of the park.
- *Mitigation needed*: The City must commit to funding for comprehensive renovation after the remediation is complete in order to augment what National Grid is required to provide.

ST MARY'S PARK

The newly constructed St Mary's Park has provided a much needed place to play in the neighborhood, however, the lack of public restroom facilities is creating a public nuisance.

- *Mitigation needed*: The City must commit to providing a restroom at St. Mary's Park, ideally a composting bathroom like the Wellhouse Comfort Station in Prospect Park.

OLD STONE HOUSE & WASHINGTON PARK

Old Stone House & Washington Park are a historic site and park conservancy that provide interpretation, education programming, community facilities, and park space to the community. The proposed Old Stone House Annex will increase visibility and access, provide educational exhibits, and support additional programming at the site.

- *Mitigation needed*: The City must commit to capital funding for the Old Stone House Annex at Washington Park.

GOWANUS HOUSES CAMPUS

The *DEIS* cites the potential of investing in active spaces on local public housing campuses as a potential mitigation for the active open space deficiency. If these spaces are invested in, the capital funds cannot be used to scale down the $274 million commitment that is needed for capital repairs in the buildings at Gowanus Houses and Wyckoff Gardens.

- *Mitigation needed*: The City should invest in improvements to the campus with input from residents. Recommended improvements include community maintenance of gardens and green infrastructure, an accessible green roof pilot, Community Center entrance garden and backyard improvements, lighting enhancements, BBQ areas, and seating.

WYCKOFF GARDENS CAMPUS

The *DEIS* cites the potential of investing in active spaces on local public housing campuses as a potential mitigation for the active open space deficiency. If these spaces are invested in, the capital funds cannot be used to scale down the $274 million commitment that is needed for capital repairs in the buildings at Gowanus Houses and Wyckoff Gardens.

- *Mitigation needed*: The City should invest in improvements to the campus with input from residents. Recommended improvements include community maintenance of gardens and green infrastructure, an accessible green roof pilot, Community Center entrance, garden improvements, and lighting enhancements.

6. The City must facilitate sustainable long term management of parks and public spaces

Under waterfront zoning regulations, new development along the waterfront will be required to construct and maintain publicly-accessible esplanades but there is no mandate to provide programming or community engagement. The Street Tree Planting requirement will bring an estimated 500 new street trees to the neighborhood with no plan or funding for maintenance - a critical component of young tree survival. Additionally, the proposed City-owned public spaces, including one at Gowanus Green, lack funding for maintenance and programming entirely. With significant cuts in the

New York City general budget, including a 14% decrease for the Department of Parks & Recreation in fiscal year 2021[17], maintenance funding for new parks is not a given. The Gowanus neighborhood presents an opportunity to plan for this funding upfront, before new parks are created.

- *Mitigation needed:* The City must work with local stakeholders on the creation of a Parks Improvement District to ensure sufficient, cohesive maintenance and programming across existing and future parks and public spaces in Gowanus.

6: SHADOWS

GOWANUS CANAL

According to the *DEIS*, "Incremental shadows would cover portions of the Canal for varying durations and coverage on all four analysis days."[18] The Canal is considered a light sensitive resource and impacts to recreational uses will have the most effect during the spring, summer, and fall, when new development would cast large shadows early and late in the day. The *DEIS* also acknowledges the potential for minor hindrance to fish passage by anticipated shadows.[19]
While the City does not find that shadow impacts on the Canal will be significant, there will clearly be impacts to both recreation and habitat, particularly in the portion of the Canal north of 3rd Street. To mitigate this impact, the City should:

- *Mitigation needed*: Invest in the habitat restoration projects described below in *Natural Resources*, particularly wetland restoration in the 6th Street, 7th Street, and 11th Street Turning Basins and at the Salt Lot, which will not be impacted by shadows from new development.
- *Mitigation needed*: Invest in new public boat launches south of 3rd Street, where shadows will have less of an impact on recreational uses.

THOMAS GREENE PARK

The *DEIS* has shown that neighboring development enabled with the rezoning would produce shadows on the existing pool at Thomas Greene Park in May and August, stating that *"...in the late afternoon of the May 6/August 6 analysis day, the pools would be mostly or entirely in incremental shadow from approximately 3:45 PM to 6:00 PM when it closes (i.e. 7:00 PM EDT). This extent and duration of new shadow would come at a time of day when temperatures and use of the pool are at their highest and have the potential to affect both the pool's operation and the user experience. Therefore, a significant impact on the Double D Pool could occur on this analysis day."*[20] Proposed mitigation for shadows includes *"modifications to the height, shape, size, or orientation of proposed developments that cause or contribute to the significant adverse shadow impact."*[21]

- *Mitigation needed*: The City should model modified massing on 549 Sackett St, 270 Nevins St, and 495 Sackett St to identify ways to reduce shadows on Thomas Greene Park.

As the Thomas Greene Park is renovated, the reconstructed pool should be sited to avoid these shadows. The *DEIS* notes that *"In the spring, summer, and fall, the northern half of the park receives the most sun, and the southeastern corner, the least. Therefore, recreational activities that depend most on sunlight, such as sitting and sunning, or water features such as a pool or sprinklers, would likely be best located in the northern half or central area and not in the southeast corner."*[22]

---

[17] New Yorkers for Parks, *Release: Play Fair Coalition - 14% Slash to Parks Budget Threatens Open Spaces When New Yorkers Need Them Most*, 2020
[18] *DEIS*, 6-37
[19] *DEIS*, 6-38
[20] *DEIS*, 6-12
[21] *DEIS*, 21-2
[22] *DEIS*, 6-13

- *Mitigation needed*: In the comprehensive renovation, the City should assess siting the pool in the northern half of the park.

9: NATURAL RESOURCES

The Gowanus Canal and surrounding lowland neighborhood is home to a wide array of flora and fauna that has been and will continue to be drastically impacted by a number of actions currently proposed or underway: the proposed Gowanus Rezoning, Superfund bulkhead replacement and dredging, and CSO tank construction. These processes impact intertidal habitat along the Canal's banks, nesting grounds for birds, the urban forest along streets and lots, and aquatic life within the Canal itself. While impacts to this biodiversity must be mitigated in part through the Natural Resource Damages Assessment initiated under the Superfund designation, there are a number of areas described below where the City must provide mitigation to impacts resulting from the proposed Gowanus Rezoning.

ECOLOGICAL COMMUNITIES

ANALYSIS

Data on natural resources outlined in the DEIS is incomplete

The *DEIS* relies on insufficient and incomplete datasets in determining that the proposed actions would not have a significant adverse impact on natural resources. The FEIS must include the more accurate data sets described below in order to truly evaluate impacts on natural resources.

Gowanus Canal Conservancy, with partners the Gowanus Dredgers, Macaulay Honors College, New York Botanical Garden, Brooklyn Bird Club, and other taxon specialists, have been conducting biological surveys of the Canal and adjacent land for the past 4 years. This data is summarized in the 2021 *Gowanus Ecosystems Biological Survey Report*[23], which catalogues species observed during annual bioblitzes, or biological surveys, conducted in August 2017, April 2018, and September 2019, along with ongoing data recorded on iNaturalist between 2008 and 2020.

These surveys have shown that the Gowanus Canal and the land around it are home to an abundance of wildlife. In the survey area *(Figure 9-1)* 4,111 observations were made of individual specimens from 1,144 distinct species.



FIGURE 9-1: All Observations recorded on iNaturalist between 2008 and 2020.

[23] Gowanus Canal Conservancy, *Gowanus Ecosystems Biological Survey Report*, 2021

VEGETATION

Data in the *DEIS* on vegetation relies on a single-day reconnaissance mission in 2019 conducted by engineering firm AKRF, which identified just 59 species of vegetation, from a limited set of survey points.[24] GCC and partners have identified 646 species of vegetation in the area around the Gowanus Canal.[25]

WETLANDS

The *DEIS* description of existing wetlands relies on generalized definitions and assumes that the Canal lacks hydrophytic vegetation.[26] For over a decade, GCC has planted thousands of native plants in demonstration gardens and restoration areas at the BK6 Salt Lot. Native ecosystems found on site include a number of areas categorized as tidal wetlands by the Department of Environmental Conservation.[27]

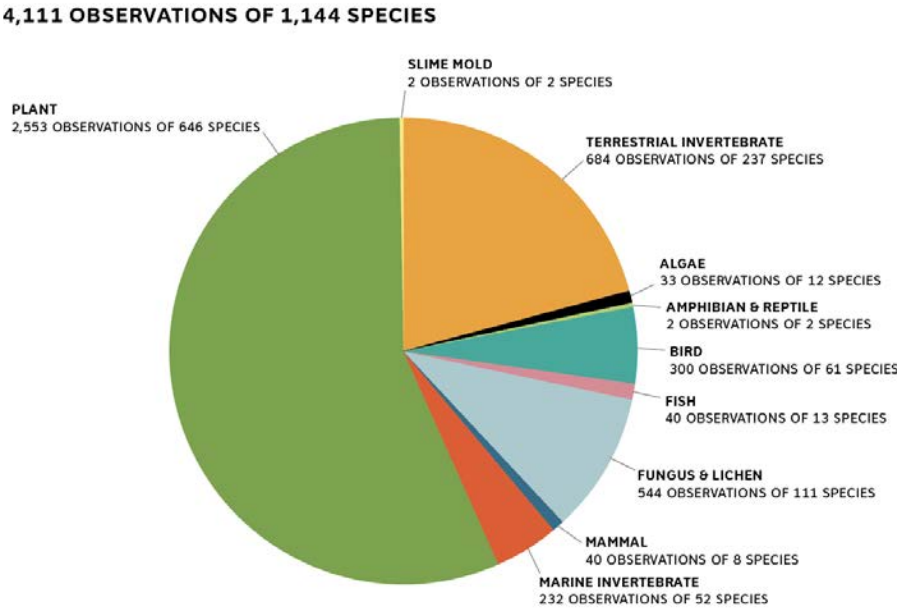


FIGURE 9-3: Gowanus Ecosystems Report Data Summary - Chart includes data recorded on iNaturalist as of October 2020 within the place boundary of Gowanus Canal Conservancy combined with data recorded on paper data sheets during the 2019 Gowanus Bioblitz with Macaulay Honors College

14,900 sf of restoration areas at the BK6 Salt Lot include:

- *Intertidal Marsh (200 sf):* Intertidal marsh is a tidal wetland zone located between low and high tide elevations, as defined in state tidal wetlands regulations,[28] and was the dominant ecosystem in the Gowanus neighborhood prior to Canal development. Intertidal marsh species *Spartina alterniflora* restores the historic ecology of the Gowanus creek and salt marsh, and provide habitat for mussels, crabs, fish, and a variety of shorebirds.
- *High marsh, Maritime Meadow, and Shrubland (12,100 sf):* High marsh is the upper tidal wetland zone located just above high tide elevation, as defined in state tidal wetlands regulations.[29] High marsh on the Salt Lot includes wetland species such as *Spartina patens, Iva frutescens,* and *Baccharis halimifolia.*
- *Emergent Marsh Rain Gardens (2,600 sf):* Site stormwater is directed to and managed by two rain gardens planted with emergent marsh species that include *Juncus effusus, Asclepias incarnata, Iris versicolor, Cornus amomum, and Cephalanthus occidentalis.*

AQUATIC LIFE

The *DEIS* notes a number of benthic invertebrates and finfish present in the Canal, but fails to document certain species, such as the Atlantic Ribbed Mussel, or to document the extent of populations present.

On October 31st, 2020 The Gowanus Dredgers and Gowanus Canal Conservancy conducted a primary observation survey of the Atlantic Ribbed Mussel in the Gowanus Canal to understand mussel populations and habitat along the

[24] *DEIS*, 9-14
[25] Gowanus Canal Conservancy, *Gowanus Ecosystems Biological Survey Report*, 2021, p.48
[26] *DEIS*, 9-6
[27] New York State Department of Environmental Conservation, *DEC Tidal Wetlands Categories*
[28] Thomson Reuters Westlaw, *New York Codes, Rules and Regulations*, 2020
[29] Ibid

Canal bulkhead.[30] The team analyzed the mussel counts by bulkhead material and found that existing wooden bulkheads provide significant habitat for mussels, at an average rate of 311 mussels per 100 linear feet. Wood supports 103 times more mussels than steel. Steel bulkheads provide minimal to no mussel habitat, at an average rate of 3 mussels per 100 linear feet. The existing wooden bulkheads along the Gowanus Canal are being replaced with steel under the Superfund, removing critical habitat to Atlantic Ribbed Mussels.

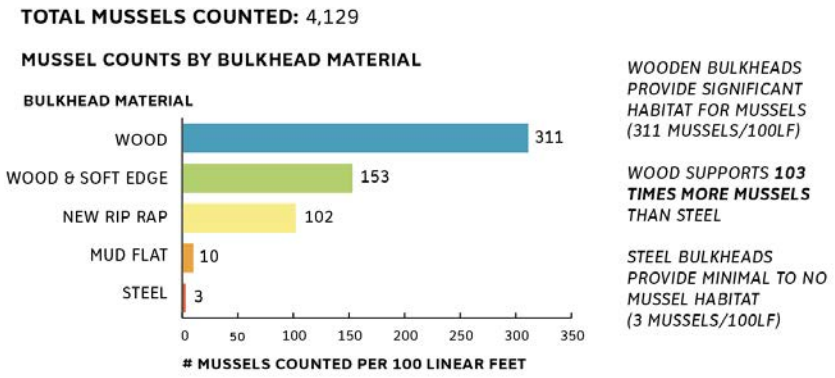


FIGURE 9-2 Gowanus Mussels Counts by Bulkhead Material

BIRDS

The *DEIS* references the New York State Breeding Bird Atlas survey, noting that the study area is located within portions of survey Blocks 5750D and 5850C, where the Bird Atlas identifies 64 possible species of breeding birds. Yet the *DEIS* claims that only the most "disturbance-tolerant generalists" are expected to be able to thrive in the study area itself, without conducting a thorough avian survey.[31] In fact, GCC and partners have identified 61 species of birds in the study area including 7 state listed species: American black duck, Great egret, Great blue heron, Laughing gull, Yellow-crowned night heron, Black-crowned night heron, Cape May Warbler.[32] Many of these species are considered vulnerable, imperiled, or critically imperiled in New York State and a number rely for survival on shoreline habitat and tree canopy that are currently or will be impacted by proposed land use changes and remediation.



Yellow-crowned Night Heron observed in Gowanus in September 2019 during a BioBlitz conducted by Gowanus Canal Conservancy and Macaulay Honors College. Photo by Ken Chaya

THREATENED, ENDANGERED, AND SPECIAL CONCERN SPECIES

The *DEIS* claims that "no recently confirmed state-listed species are documented within 0.5 miles of the study area."[33] However, 17 species observed are considered Species of Greatest Conservation Need (SGCN) by the New York State Department of Environmental Protection (DEC): Great egret, Great blue heron, Laughing gull, Yellow-crowned night heron, Black-crowned night heron, Cape May Warbler, American eel, Mummichog, Atlantic silverside, Northern pipefish, Salt-meadow grass, Five-angled dodder, Fragrant flat sedge, Willow oak, Annual saltmarsh aster.[34]



Atlantic Silverside observed in Gowanus in September 2019 during a BioBlitz conducted by Gowanus Canal Conservancy and Macaulay Honors College. Photo source: iNaturalist

[30] GCC, Gowanus Ecosystems Biological Survey Report, 2021, p.20
[31] *DEIS*, 9-15
[32] GCC, Gowanus Ecosystems Biological Survey Report, 2021, p.18
[33] *DEIS*, 9-16
[34] GCC, Gowanus Ecosystems Biological Survey Report, 2021, p.18

The proposed actions will impact the tree canopy through street tree removals

The lack of mature tree canopy in Gowanus is palpable. In stark contrast from the leafy neighborhoods of Park Slope and Carroll Gardens, the Gowanus neighborhood is a hole in the urban canopy where 35% of the street trees are under six inches in diameter and fewer than 2% are more than 24 inches in diameter. The *DEIS* notes that the proposed actions will result in the removal of street trees.[35] Given the sparseness of the existing canopy, any removals will have significant impact. While these removals will be required to comply with restitution requirements outlined in Local Law 3 of 2010, there is not a guarantee that required replacement trees will stay within the study area. The law allows for wide discretion in locating replacement trees, stating that *"to the extent practicable"* trees should be planted in the same community district, which is already a much larger area than the study area itself.[36] There are no guarantees that replacement trees will be planted in the immediate vicinity of the Canal, the area that so severely lacks tree canopy.

Future green spaces will not automatically result in improved wildlife habitat

In arguing that there will not be adverse impacts to ecological communities, the *DEIS* claims that proposed green spaces like bioswales and greenstreets will improve habitat in the study area.[37] However, these new green spaces will only result in improved wildlife habitat with maintenance that uses ecological best practices, which is not currently a common practice on many City- and privately-owned properties.

In 2019, the NYC Comptroller audited the Department of Environmental Protection's green infrastructure maintenance, and "*found that the majority were not sufficiently maintained to ensure their proper functioning and appearance."*[38] The comptroller's findings included that 67% of right-of-way rain gardens *"exhibited two or more conditions that DEP's own maintenance manual states can impede their proper functioning,"* including "*sediment build up in gravel strips, planted areas, and curb cuts; compacted/depleted soil that needed to be raked or replenished; weeds and overgrown plants; and missing trees and plants*." Simply put, the City's experiment in GI is on a path destined for failure unless a dramatic course-correction is made.

A key finding of the Comptroller's audit was that DEP should *"engage with local communities to assist in maintaining and improving the condition of rain gardens as neighborhood resources to prevent flooding and enhance quality of life."* In November 2019, DEP held a GI Program Maintenance & Workforce Development Workshop, bringing together organizations to discuss development of an RFI specific to GI maintenance and workforce development.

MITIGATION

1. The City must invest in restoration areas on public street ends, parks, and in the water

As noted in the above section on Open Space, the City must invest in 10 acres of new open space throughout the Gowanus neighborhood to meet the needs of the anticipated population. To mitigate impacts to ecological communities described above, the City should include habitat restoration in a number of capital investments:

- *Mitigation needed*: Invest in habitat restoration areas on public street ends and in new parks:
    - New public space at the Salt Lot is a unique opportunity for a large scale intertidal marsh, that would restore habitat to a number of aquatic species and shorebirds
    - Public street ends provide opportunities for wildlife-supporting green infrastructure and coastal ecologies, with the right maintenance regimes in place (see below)
    - Proposed public spaces at Public Place, Greenspace on 4th Extension, and Transit Plaza should all incorporate areas of wildlife habitat, including wetland shelves, meadows, forest, and shrubland.

---

[35] *DEIS*, 9-22

[36] The New York City Council, *Local Law 3 of 2010, Legislation Text*, 2010

[37] *DEIS*, 9-22

[38] Scott Stringer, NYC Comptroller, *Audit Report on DEP's Maintenance of Rain Gardens,* 2019

- *Mitigation needed*: Wetland restoration in turning basins along the Canal: The City should invest in wetland restoration in the Canal's turning basins, spurs off the main channel that will not need to remain navigable into the future. The DEIS mentions a habitat enhancement project that is not actually planned for at the moment: "The 6th Street turning basin habitat enhancement project will restore vegetated tidal wetlands to the 6th Street turning basin."[39] While there are no existing plans for this project, the City should commit to it and wetland restoration in the other turning basins along the Canal.

2. The City must pursue and support habitat improvements to bulkheads and edges along the Canal

- *Mitigation needed*: Floating wetlands and bulkhead habitat modules: While proposed waterfront public access areas will provide important public space along the water, they will not automatically restore habitat, particularly along the ecologically critical intertidal zone, where steel bulkheads will replace more varied life-supporting edges. To address this, the City should invest in and work with developers to install habitat modules for bulkhead edges and floating wetlands within the Canal itself.
- *Mitigation needed*: Support for GCC and Gowanus Dredgers mussel habitat project: Gary Francis and the Gowanus Dredgers and GCC are working to design, fabricate, and install modular mussel habitat and conduct monitoring and analysis in Fall 2021, Spring 2022, and Fall 2022. Tests will include deploying a series of cast concrete structures on the surface of an existing steel bulkhead to mimic the conditions and geometric conditions in a natural mussel bank. This experimentation can build a case for larger scale implementation, to reintroduce habitat that can again support the thriving mussel populations that are being destroyed. The City should provide expense funding for this ongoing project.

3. The City must create a Gowanus Tree Trust

The City must require that all restitution and tree requirements be located in Gowanus.

- *Mitigation needed*: The City should establish a Gowanus Tree Trust that new development can contribute to in lieu of planting *if and only if* it is entirely impossible to plant required trees on new frontages. This Tree Trust should be used to install street trees only within the Gowanus neighborhood, with clear community oversight.

4. The City must commit to funding for local stewardship of green infrastructure

As mentioned above, much of the City's green infrastructure has seen poor maintenance practices, which have resulted in poor outcomes for habitat. Beginning in 2021, Gowanus Canal Conservancy, the Bronx River Alliance, The HOPE Program, and Newtown Creek Alliance formed a new collaborative effort aimed at improving rain garden performance, increasing co-benefits such as wildlife habitat, community beautification, and urban heat island mitigation, providing local jobs and workforce development, and engaging local communities in the stewardship of their green spaces. This project pilots watershed-specific approaches that can be scaled up to a citywide solution for sustainable green infrastructure maintenance and workforce development.

- *Mitigation needed*: The City should commit funding to GCC to provide ongoing local stewardship of proposed green infrastructure, to ensure that wildlife habitat and community benefits are sustained into the future.

5. The City must commit to working with NYS DEC to ensure waterbody designation and water quality standards support current and future use of the Canal

In the *FSOW,* the City states that the classification of the Canal is beyond the scope of the *DEIS*[40], however, the overall *DEIS* designates the Canal as *"an active open space resource for kayaking and other water-dependent activities"*[41]*.* These statements are contradictory, as water quality standards that are suitable for and protective of these uses must be

[39] *DEIS*, 9-22
[40] *DEIS*, 9-10
[41] *DEIS*, 5-31

planned for in advance. These concerns are especially relevant in light of limited regulatory enforcement by NYSDEC due to their recent proposal to rollback protective language for primary and secondary contact recreation on SD/I waterways[42]. GCC maintains that the existing Industrial Waterbody Classification and Use Designation (Class SD) must be reconsidered and the City must anticipate enhanced access and recreation on the Canal are likely to occur as a result of the Proposed Actions.

- *Mitigation needed*: The City must coordinate with the State to ensure that waterbody designation supports future uses.

10: HAZARDOUS MATERIALS

CONTAMINATED SITES WITH (E) DESIGNATIONS

The *DEIS* notes that the Proposed Actions will "*include (E) designations (or other measures comparable to such a designation) for all projected and potential development sites,"*[43] which will result in numerous site clean-ups that would not otherwise happen. The *DEIS* also notes that *"Any redevelopment involving subsurface disturbance could potentially increase pathways for human exposure to any subsurface hazardous materials present."*[44]

- *Mitigation needed*: In order to protect neighborhood health and safety, these clean-ups must be done with community notification and oversight through the Gowanus Zoning Commitment Task Force. A Community Construction Coordinator, supported by the City, should be in direct contact with remediation contractors, and relevant DEC and OER managers for any ongoing remediation, in order to keep the community updated and concerns addressed.

11: WATER AND SEWER INFRASTRUCTURE

Combined Sewer Overflow (CSO) and persistent inland flooding are two of the greatest environmental threats facing the Gowanus neighborhood today. The City must commit to a "*Net Zero CSO*" rezoning that will ensure that new development projects implement practices that do not increase pollution to the Canal and worsen neighborhood flooding. The *DEIS* concludes that the proposed actions under the rezoning are not projected to impact CSO discharges or water quality in the Gowanus Canal *with* the forthcoming Unified Stormwater Rule in place[45]. With the new rule, the *DEIS* shows an outcome that is better than Net Zero CSO, reducing annual CSO discharges by 5 million gallons. Absent the new rule, however, the City concedes that given the anticipated increase in population density under the RWCDS, future increases in sanitary flow would lead to an annual CSO increase of 3 million gallons per year[46].

While the modeling presented in the DEIS shows a future condition that meets the demand for a Net Zero Rezoning, we have outstanding questions and concerns about the modeling assumptions, overall impacts, and mitigation efforts pertaining two areas outlined below: Combined Sewer Overflow (CSO) and System Capacity, Flooding, and Long-Term Resiliency.

---

[42] New York State Department of Environmental Conservation, *Proposed Amendments, Site-Specific Enterococcus Water Quality Standards for Class I/SD Waters*
[43] *DEIS*, 10-18
[44] *DEIS*, 10-18
[45] *DEIS,* 11-2
[46] *DEIS,* 11-27

COMBINED SEWER OVERFLOW

The overloaded sewer system currently discharges about 363 million gallons of raw sewage and polluted run-off into the Canal each year.[47] While planned grey and green infrastructure investments, including the proposed CSO Facilities required under the Superfund process, will improve water quality in the Canal - they do not fully address CSO. Once these projects are complete, there will still be about 115 million gallons of annual CSO discharge left unmanaged under *existing conditions*[48]. The rezoning is anticipated to add approximately 18,000 new residents on 63 Projected Development sites, which will increase sanitary flow by 1.29 million gallons per day (mgd).

ANALYSIS

As mentioned previously, the *DEIS* modeling concludes that the proposed actions are not anticipated to impact CSO discharges and water quality in the Gowanus Canal *with* the Unified Stormwater Rule in place. With the new rule, the *DEIS* reports reductions in CSO loading and frequency at each individual CSO outfall and summarizes overall impacts by CSO-shed based on future development conditions at the 63 Projected Development sites.

However, given the location and topography of the study area and the subsequent sensitivities to CSO increases, guidelines under the *CEQR Technical Manual* warranted a more detailed analysis that fully investigates the potential for increased sanitary or stormwater discharges that may impact capacity in the existing sewer system, exacerbate CSO volumes and/or frequencies, or contribute greater pollutant loadings in combined sewage discharged to receiving water bodies. The more detailed analysis provided in the *DEIS* included an assessment of impacts for the proposed actions *without* the Unified Stormwater Rule and under the current regulatory framework, the 2012 Stormwater Rule. This analysis yielded concerning results, including a projected increase in overall annual CSO volume by 3 million gallons and an increase in Total Suspended Solids (TSS) load to the Canal of 3,175 pounds per year or a 2.8% increase from the No Action condition.

The *DEIS* addresses many community concerns and comments provided by GCC and other stakeholders regarding CSO in the DSOW and we appreciate DEP's efforts to implement the Unified Stormwater Rule by 2022. However, the reported impacts on CSO discharge and water quality *without* the Unified Stormwater Rule in place underscore the importance of the new rule's implementation prior to future development and outline a critical need to oversee and track the incremental impacts as part of the site sewer connection permitting process for each development site. The FEIS must include a commitment to implement the new stormwater rule *before* permitting site sewer connections in the Rezoning Study Area and DEP's final schedule for rule implementation must be in the *FEIS*. Additionally and prior to finalizing the FEIS, there are several outstanding concerns pertaining to CSO and water quality modeling and subsequent analyses that must be addressed to ensure the new stormwater rule is successful:

Projected sanitary flows must accurately reflect the RWCDS

The projected sanitary flow, which assumes a per capita wastewater generation of 73 gallons per day, is entirely contingent on the population density outlined under the RWCDS. Under this framework, the projected increase in daily sanitary flow is determined to be 1.29 million gallons per day (mgd) for an anticipated 18,000 new residents on 63 Projected Development sites. As noted in the above section on *Project Description: Analysis Framework*, we continue to be concerned that the *DEIS* does not accurately portray the amount of density that will result from the proposed rezoning. GCC's comments on the DSOW presented an alternative analysis that recommends 91 Potential Development Sites be counted as Projected Development Sites, which would result in an additional 13,000 residents that are unaccounted for in the assessment on water and sewer infrastructure. Under this alternative development scenario, daily

[47] NYC Dept of Environmental Protection, *SPDES Combined Sewer Overflows, Best Management Practices Annual Report*, 2019
[48] NYC Dept of Environmental Protection, *Combined Sewer Overflow Long Term Control Plan for Gowanus Canal*, 2015

sanitary flows are likely to increase by 2.26 million gallons per day - a figure that is nearly 1 mgd greater than what is presented in the *DEIS*. Given the substantial underestimation of environmental impacts in previous rezonings, we strongly encourage DEP to consider an alternative assessment of the RWCDS that anticipates growth on these likely to develop Potential Sites that have been left out of the scope. In particular, those falling within the 8 CSO-sheds that will not receive additional infrastructure investment to manage this anticipated growth.

Modeling must account for impacts of climate change

Watershed modeling performed as part of the Gowanus Canal 2017 Long-Term Control Plan (LTCP) and Superfund Project has been refined in the *DEIS* to more accurately determine baseline conditions and assess sewer system capacity serving the Project Area. While this effort to improve upon the existing model is responsive to many community concerns and provides a foundation for the future assessment of sewershed impacts, it continues to rely on outdated precipitation data from 2008 that does not anticipate increased frequency and duration of wet weather events in light of climate change. In order to more accurately assess future impacts of development and ensure the Gowanus neighborhood is prepared to withstand these imminent threats, modeling parameters must incorporate forward-looking climate change data to be consistent with NYC's "Climate Resiliency Design Guidelines[49]. At a minimum and echoing recent concerns expressed by EPA in their July 13th correspondence to Gowanus elected officials regarding inconsistencies in the *DEIS*,[50] the City's watershed model for the study area must acknowledge that 1) mean annual precipitation will increase between 4% to 13% by the 2050s and by 5% to 19% by the 2080s and that 2) sea level will rise by 11 to 21 inches by the 2050s and by 18 to 39 inches by the 2080s.

MITIGATION

The Unified Stormwater Rule must be in effect prior to the first site sewer connection enabled by the Rezoning

The *DEIS* shows an outcome that is better than Net Zero CSO, essentially meeting our demand and reducing CSO to the Gowanus Canal by 5 million gallons per year *with* the forthcoming Unified Stormwater Rule in place. Absent this new rule, the City concedes that CSO would increase by 3 million gallons per year.

- *Mitigation Needed:* The new rule must be in effect prior to the first site sewer connection in the Rezoning Study Area and the City must establish and provide transparent reporting on baseline conditions.

DEP must provide transparent reporting on implementation of the Unified Stormwater Rule

The *DEIS* shows a projection, but we need to see the reality as it plays out on the ground. As part of DEP's assessment of water and sewer infrastructure in the *DEIS*, they have developed a detailed model of the local sewer system, including an Amended Drainage Plan (ADP), that sets the stage for tracking new site sewer connections. DEP's work on this analysis is above and beyond what is generally required in an EIS and demonstrates that they are listening to community concerns. However, models by their very nature are imperfect projections that must be validated with empirical data and direct measurements as they become available.

- *Mitigation Needed:* To ensure the Unified Stormwater Rule performs as anticipated in the *DEIS*, DEP must provide transparent and accessible reporting of actual impacts as new buildings are constructed to validate the model and prove that new development does not add pollution or worsen neighborhood flooding. To monitor incremental impacts of development, the Amended Drainage Plan should be updated for each development site catchment upon approval of permitted Stormwater Management Plans (SMPs) required under the new stormwater rule and cumulative impacts by CSO-shed should be summarized annually. The community must have access to this reporting through the Zoning Commitment Task Force.

---

[49] New York City Mayor's Office of Resiliency, *Climate Resiliency Design Guidelines*, 2020, p.49-51

[50] United States Environmental Protection Agency, *Potential Combined Sewer Overflow Increases/Decreases into Gowanus Canal from Rezoning-Related Development*

SYSTEM CAPACITY, FLOODING & LONG-TERM RESILIENCY

ANALYSIS

Assessment of sewer system capacity must address the impacts of previous and proposed future rezonings

The *DEIS* concludes that development under the *With Action* condition is expected to generate a total of approximately 2.4 million gallons per day (mgd) of sanitary sewage that will be directed to the Red Hook and Owls Head WWRF's during dry weather. This *With Action* condition represents a 2.2% and 0.5% increase of the permitted capacity to the Red Hook and Owls Head WRRFs, respectively, resulting in **80.2% dry weather capacity at the Red Hook WRRF** and 45.5% dry weather capacity at the Owls Head WRRF.

We are increasingly concerned that the Red Hook WRRF is close to reaching its dry weather permitted capacity and that the analysis presented in the *DEIS* does not assess the cumulative impacts of ongoing and proposed land use actions outside of the Gowanus Neighborhood Plan, including:

- GOVERNORS ISLAND: the proposed South Island Development Zones as part of the phased Governors Island Rezoning are projected to increase daily dry weather flow to the Red Hook WRRF by an additional 4.15%[51].
- DOWNTOWN BROOKLYN: The City grossly underestimated the residential density and subsequent environmental impacts of the 2004 Downtown Brooklyn rezoning[52], which shares numerous critical infrastructures with Gowanus, in particular the RH-034 CSO-shed, which diverts flow to the Red Hook WRRF.
- ATLANTIC YARDS: This will almost double the amount of anticipated new housing units in our area and have significant impacts on critical infrastructure for Gowanus, in particular the RH-034 CSO-shed, which diverts flow to the Red Hook WRRF.
- GOWANUS 4TH AVENUE: Along 4th Avenue, 30 parcels have been developed since the Park Slope Rezoning proposal was approved in 2003[53]. Collectively, these lots account for an increase of 1,434 residential dwelling units and 3,140 residents since 2003 and must be accounted for in this analysis.

Neighborhood flood modeling and risk assessment is not comprehensive and lacks spatial context

In addition to an assessment of CSO impacts, the *DEIS* presents an analysis of neighborhood flooding for the Rezoning study area based on the refined model that incorporates the Amended Drainage Plan (ADP). In the *FSOW*, the City states that "*Infrastructure improvements are beyond the purview of zoning and the Proposed Actions. However, the development of the Framework resulted in the identification of infrastructure and other community needs, including flood resiliency, stormwater management, sewer infrastructure, and remediation of the Canal."*[54]

While DEP's assessment of flood risk provides a useful starting point, impacts and analyses are not comprehensive and do not provide enough spatial context for future infrastructure planning. Appendix F of the *DEIS* presents a table with "Number of Flooded Manholes and Total Surface Flooding Volume" comparing the *No Action* and *With Action* scenarios with both the existing 2012 Stormwater Rule and the proposed Unified Stormwater Rule in place[55]. The table, which serves as the only assessment of surface flooding in the *DEIS*, simply concludes that under the 2035 *With Action* scenario with the Unified Stormwater Rule in place, there will be a 0.05 MG reduction in flood volume and 5 fewer flooded manholes. The locations of the manholes are not disclosed and reductions in projected flood volume are contingent on implementation of the Unified Stormwater Rule.

---

[51] New York City Office of Environmental Coordination, *Phased Redevelopment Of Governors Island –South Island Development Zones, FSSGEIS*, 10-2

[52] Municipal Arts Society, *A Tale of Two Rezonings: Taking a Harder Look at CEQR*, 2018

[53] NYC DCP, *Primary Land Use Tax Lot Output (PLUTO) Data*, September 2018

[54] *FSOW*, 2-52

[55] *DEIS, Appendix F, p.29*

Additionally, the flood risk assessment presented in the *DEIS* fails to acknowledge the recent NYC Stormwater Resiliency Plan[56] and incorporate high-resolution data from the *New York City Stormwater Flood Maps* that depict areas most at risk for rain-driven flooding and subsequent need for targeted infrastructure investment. Figure 11-5 shows the Extreme Stormwater Flood Risk in Gowanus, identifying much of the Rezoning study area at extreme risk for deep and contiguous flooding. Prior to finalizing the FEIS, the City must incorporate these data to ensure a comprehensive assessment of neighborhood flooding.

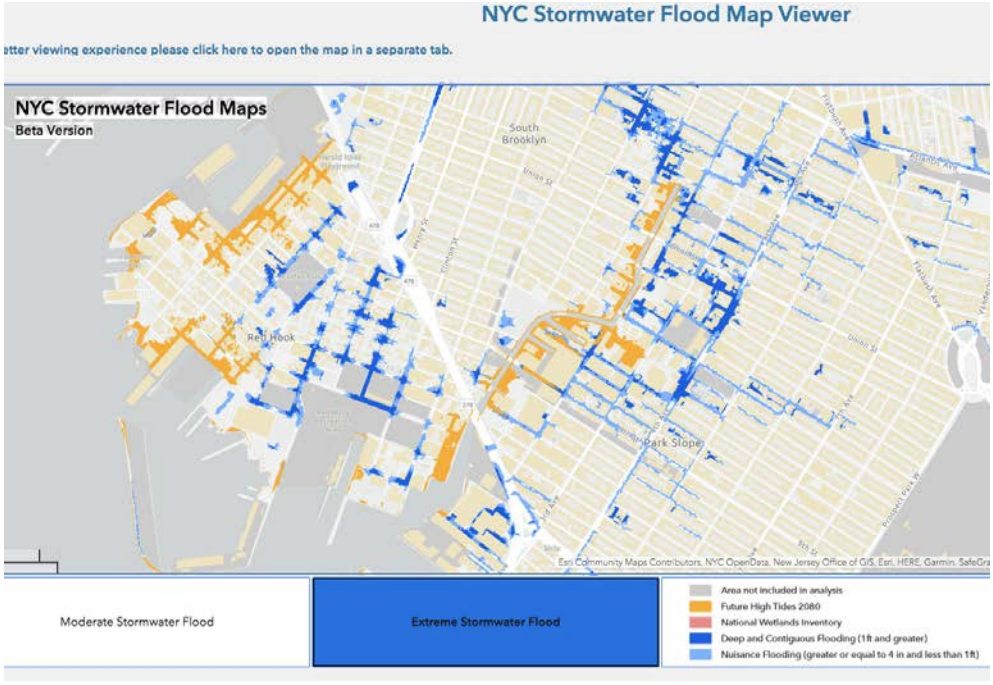


Figure 11-5: NYC Stormwater Flood Maps - Extreme Stormwater Flood Risk in Gowanus[57]

Assessment of sewer system capacity must address known capacity issues of infrastructure diverting flows to the Red Hook WRRF

Of further concern, there is an urgent need to address known bottlenecks in the sewer system that further exacerbate capacity issues in the Red Hook Sewershed, including the Bond-Lorraine Sewer Line. This critical junction directs wet weather flow from Carroll Gardens catchment areas impacted by the rezoning through Red Hook which diverts flow towards the Red Hook Wastewater Treatment Plant via the Red Hook Interceptor - the predominant sewer line serving the 3,200-acre drainage area that includes much of central Brooklyn.

NYC Department of Environmental Protection (NYCDEP) has reported that the aging Bond-Lorraine sewer is tidally-influenced and currently more than 50% full during dry weather conditions, exceeding the anticipated design capacity by more than 30% *(Figure 11-1)*. During wet weather events, this infrastructure is insufficient, resulting in regular street-level flooding, sewer backups, noxious odors, and combined sewer overflow (CSO). These conditions are likely to be exacerbated by rising sea and groundwater levels, increased precipitation, and future development proposed under the *With Action* condition in the *DEIS*. NYCDEP hydrologic modeling shows that conditions along this sewer line are the "highest priority problem" *(Figure 11-2)* in the area and that infrastructure upgrades are needed.

[56] NYC Mayor's Office of Resiliency, NYC Stormwater Resiliency Plan, May 2021
[57] NYC Mayor's Office of Resiliency, NYC Stormwater Resiliency Plan, May 2021

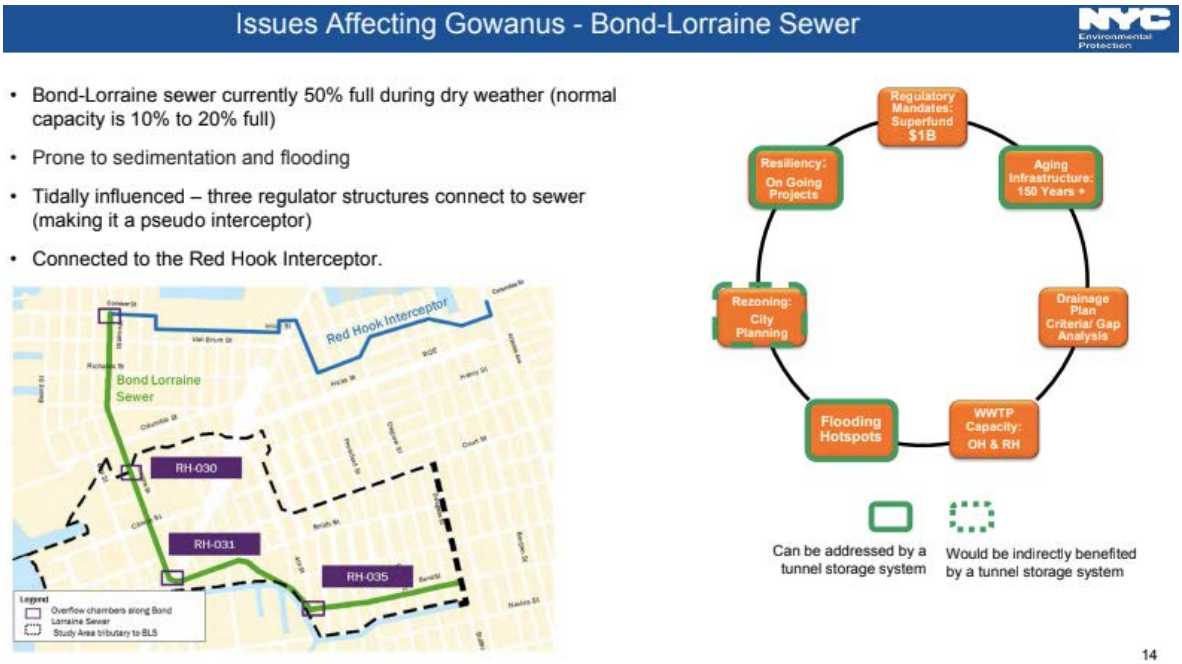


Figure 11-1: Issues Affecting Gowanus - Bond-Lorraine Sewer[58]

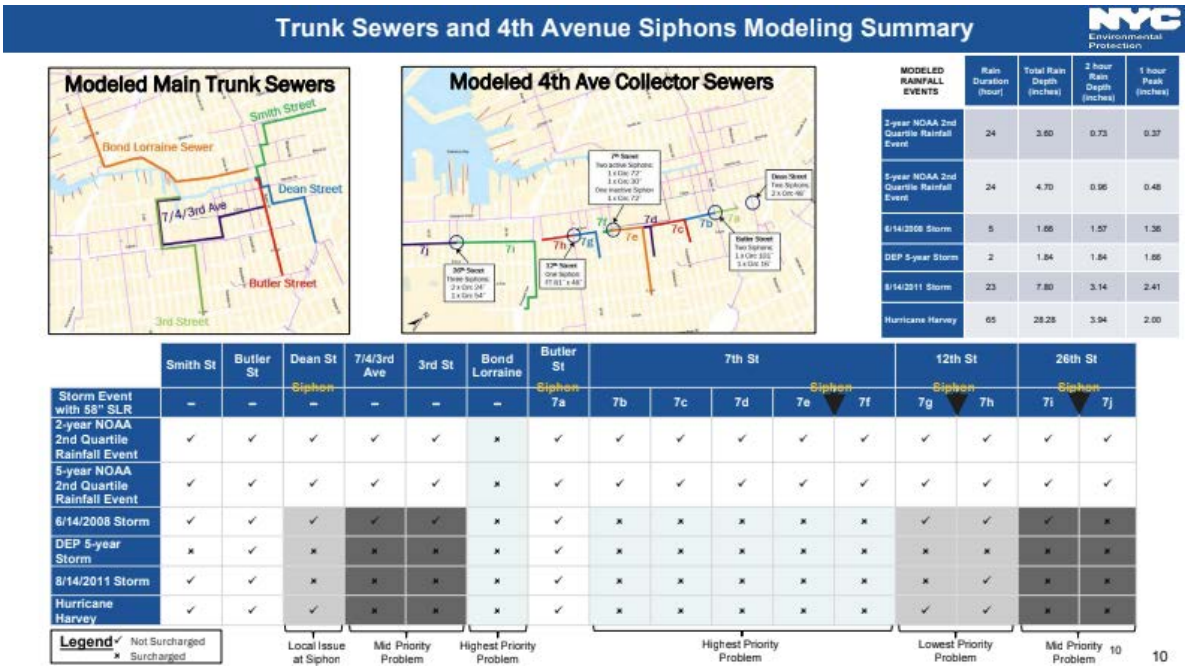


Figure 11-2: Highest Priority Problem [59]

[58] NYCDEP, Gowanus Canal Superfund CSO Project Tunnel Storage System Alternative, EPA Technical Workshop, Slide 14, July 2018
[59] NYCDEP, Gowanus Canal Superfund CSO Project Tunnel Storage System Alternative, EPA Technical Workshop, Slide 10, July 2018

MITIGATION

Capital commitments for future infrastructure and planning must be anticipated

The City must acknowledge the existing limitations of the sewer system, and make commitments for infrastructure that will address capacity issues.

- *Mitigation Needed:* The City must complete a comprehensive hydrological and flood resiliency study that fully examines the capacity of the local sewer system in relation to coastal and inland flooding in order to identify critical areas of concern for targeted infrastructure improvements and upgrades. This study must go beyond the outdated Gowanus Long-Term Control Plan (LTCP) and anticipate the impacts of climate change and new population density.
- *Mitigation Needed:* The City must commit capital funds for infrastructure upgrades at the Bond-Lorraine Sewer Line to address capacity issues in the Red Hook Sewershed. In conjunction with the 2019 proposal to construct a 16-million gallon underground tunnel below the Gowanus Canal, NYCDEP proposed what could be a solution, including the construction of an underground microtunnel transecting Red Hook Park and a dry weather pumping station where the Bond-Lorraine sewer line meets the Red Hook Interceptor at the intersection of Wolcott and Conover Streets but dropped the suggestion when the tunnel proposal was rejected by the U.S. Environmental Protection Agency (USEPA). This proposal should be funded in the context of the Gowanus Neighborhood Plan.

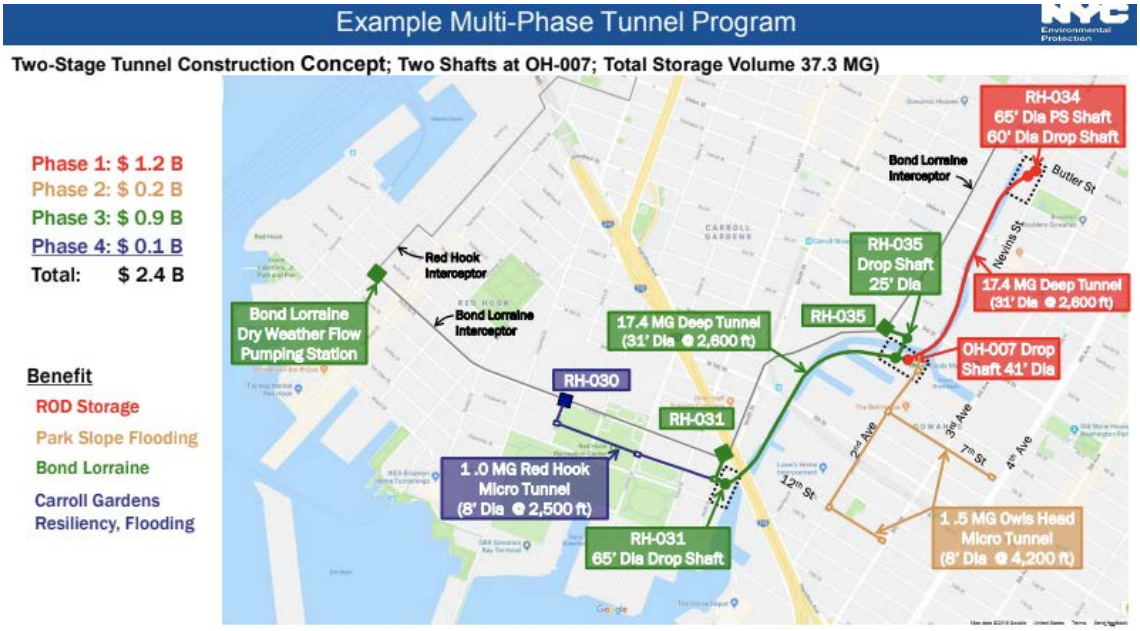


Figure 11-3: Proposed Infrastructure Upgrades at the Bond-Lorraine Sewer[60]

- *Mitigation Needed:* The City must investigate opportunities for increasing CSO capture during design and planning for the OH-007 CSO Facility. As noted in EPA's letter to NYCDEP regarding their final decision on the proposed tunnel alternative[61], the Agency is amenable to discussing a potential expansion of the volume of the two CSO retention tanks in relation to the rezoning proposal.
- *Mitigation Needed:* The City must commit to additional green and grey infrastructure, including sewer separation projects, right-of-way and street end green infrastructure, and micro-tunnels throughout the Gowanus

[60] NYCDEP, Gowanus Canal Superfund CSO Project Tunnel Storage System Alternative, EPA Technical Workshop, Slide 18, July 2018
[61] USEPA, Letter to NYCDEP Re: Gowanus Canal Superfund Site, September 2019

Sewershed in order to address capacity issues. As mandated by EPA's recent Administrative Order[62], when implementing or approving municipal sewer infrastructure upgrades and/or private stormwater controls within the Gowanus sewershed, NYCDEP must separate stormwater for discharge to the Gowanus Canal to the maximum extent practicable.

20: CONSTRUCTION

As described in the *DEIS*, construction activities associated with the rezoning would be disruptive and result in significant adverse impacts while underway, projected to be an approximately 14-year period.[63] This construction period overlaps with construction activities associated with ongoing Superfund dredging and planned combined sewage overflow tanks, which are located in the same area and will impact the same residential population, historic and cultural resources, and transit systems. Under the status quo, construction oversight and coordination is an incredibly complex and convoluted system, with 11 agencies at 3 levels of government variously responsible for 24 areas of oversight, ranging from building codes to noise codes to air emissions to hazardous materials.[64]

Mitigation needed: Due to the high potential for adverse impacts from construction activities and compounding overlaps with Superfund activities, it is critical that the City establish a Zoning Commitment Task Force to provide oversight and coordination of construction on public and private properties throughout the neighborhood. The following components should be included in the scope of the Task Force:

1. In regular meetings, contractors, agencies and utilities should share information, receive community feedback, and coordinate construction timelines to lessen environmental impacts on neighbors. Information includes impacts on buildings, streets, bridges, sewers and public spaces, as well as updates on construction practices including 24-hour air monitoring, safety, staging, removal of contaminated soil, timelines, and tree removal.
2. For every large construction project, the agency or owner should provide a dedicated community liaison that can provide rapid response to issues. The oversight body should oversee communication to the wider community, through signage, regular meetings, and other forms of outreach.
3. A neighborhood-wide Community Construction Coordinator should be provided to 1) Liaise with all agencies and private developers undertaking construction in the neighborhood; 2) Develop and maintain data review and tracking of all ongoing construction; 3) Communicate information about ongoing construction to the public; and 4) Direct community requests to appropriate agencies for review.

21: MITIGATION

All mitigation measures must be added to the Neighborhood Plan, tracked in the City Commitment Tracker and reported regularly to the Gowanus Zoning Commitment Task Force. Necessary mitigation is described in detail in chapters above, and summarized below:

5: OPEN SPACE

1. Clear capital commitments, increases in the active open space ratio, and timelines for planned open spaces
    - Head Of Canal Park *(1.6 acres, increase to 30% active)*
    - Gowanus Green *(1.5 acres, increase to 50% active)*
2. Additional capital and access commitments and timelines for open space on 6.94 acres of City owned land in the neighborhood

[62] USEPA, Region 2, Executive Administrative Order for For Remedial Action, Gowanus Canal, March 2021
[63] *DEIS*, *20-1*
[64] *DEIS*, *20-5*

    - Salt Lot *(3.5 acres, 30% active)*
    - Smith/9th Transit Plaza *(0.5 acres, 20% active)*
    - Under The Tracks Park *(1.5 acres, 66% active)*
    - Green Space On 4th Extension *(0.2 acres, 20% active)*
    - Pumphouse Plaza *(0.5 acres, 0% active)*
    - Public Boat Launches *(0.25 acres, 100% active)*
    - Gowanus Underpass *(.69 acres, 35% active)*
3. Make 7 local schoolyards accessible to the public after school hours through the Schoolyards to Playground program, providing 3.18 acres of active public space.
4. Renovations and improvements to existing parks to ensure these open spaces can support a growing population
    - Thomas Greene Park
    - St Mary's Park
    - Old Stone House & Washington Park
    - Gowanus Houses Campus
    - Wyckoff Gardens Campus
5. Modifications to the Waterfront Access Plan and certification process to better facilitate active uses, water access, and community oversight
6. Sustainable funding for open space maintenance through the creation of a Parks Improvement District

6: SHADOWS

1. Gowanus Canal: Capital investment in habitat restoration and Public boat launches in the Gowanus Canal south of 3rd Street
2. Thomas Greene Park: Modified massing for adjacent properties to reduce shadows on the park and siting of the pool in the northern half of the park

9: NATURAL RESOURCES

1. Restoration areas on public street ends, parks, and in the water
2. Habitat improvements to bulkheads and edges along the Canal
3. Creation of a Gowanus Tree Trust to keep all required tree plantings in Gowanus
4. Sustainable funding for local stewardship of green infrastructure
5. Coordination with the State to ensure that waterbody designation supports current and future uses

10: HAZARDOUS MATERIALS

1. Support a Community Construction Coordinator, who is in direct contact with remediation contractors and relevant DEC and OER managers for any ongoing remediation, and is responsible to keep the community updated and concerns addressed

11: WATER AND SEWER INFRASTRUCTURE

1. Ensure that the Unified Stormwater Rule is in effect prior to the first site sewer connection enabled by the Gowanus Rezoning
2. Provide transparent reporting on implementation of the Unified Stormwater Rule.
3. Complete a comprehensive drainage and flood resiliency study that fully examines the capacity of the local sewer system in relation to coastal and inland flooding in order to identify critical areas of concern for targeted infrastructure improvements and upgrades.

4. Commit capital funds for infrastructure upgrades at the Bond-Lorraine Sewer Line to address capacity issues in the Red Hook Sewershed.
5. Investigate opportunities for increasing CSO capture during design and planning for the OH-007 CSO Facility.
6. Commit to additional green and grey infrastructure, including sewer separation projects, right-of-way and street end green infrastructure, and micro-tunnels throughout the Gowanus Sewershed in order to address capacity issues.

20: CONSTRUCTION

1. Establish a Zoning Commitment Task Force to provide oversight and coordination of construction on public and private properties throughout the neighborhood.
2. Require a dedicated community liaison for every large construction project that can provide rapid response to issues.
3. Support a neighborhood-wide Community Construction Coordinator to 1) Liaise with all agencies and private developers undertaking construction in the neighborhood; 2) Develop and maintain data review and tracking of all ongoing construction; 3) Communicate information about ongoing construction to the public; and 4) Direct community requests to appropriate agencies for review

REBNY Testimony | July 29, 2021

The Real Estate Board of New York to

The Department of City Planning Concerning N 210178 ZRK and C 210177 ZMK (CEQR No. 19DCP158K) - Gowanus Neighborhood Plan

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY supports the approval of the zoning map change and text amendment known as the Gowanus Neighborhood Plan, in the Borough of Brooklyn (ULURP Nos. N 210178 ZRK and C 210177 ZMK – CEQR No. 19DCP158K).

The proposal offer significant benefits to both the neighborhood and the City at large, in the forms of much needed affordable housing, environmental remediation of the Gowanus Canal, and job opportunities that will aid in the City's economic recovery, among other benefits.

From 2009 to 2019, New York City has produced .28 housing units for every job.[i] This historic deficit has skewed our housing ecosystem with resulting implications on affordability that render the City financially inviable for many middle and lower income individuals and families. The Draft Environmental Impact Statement (DEIS) for this proposal expects the result of the rezoning to include a net increase of approximately 8,500 dwelling units, including approximately 2,000 permanently affordable dwelling units on privately-owned sites and approximately 1,000 affordable units on City-owned sites by 2035. This means that 4% of the 200,000 needed housing units needed by 2040 would be constructed in the approximately 81-block rezoning area; a small, but valuable contribution to our City's growing needs. The addition of new dwelling units, both market-rate and affordable, will help the Commission fulfill its obligation to support the distribution of the City's population, while also aiding the integration of a historically homogeneous neighborhood.[ii] These new residents would be the beneficiaries of local transit, with access to local job centers throughout Brooklyn. Research shows us that access to housing, in particular affordable housing, and housing with good access to transit, has positive impacts on individuals' health and welfare[iii] [iv], which is in direct support of the duties of this Commission.

Increased density would incentivize the remediation of contaminated areas of the neighborhood, a long-standing desire of community residents. The Gowanus Canal is one of the nation's most seriously contaminated bodies of water[v], according to the EPA, and it is the duty of this board to ensure residents positive health outcomes through planning actions. The public space made possible by remediation will also contribute to the area's resiliency, which promotes the recreation, health, and welfare aspects of the

Commission's mission. This would provide more equitable access to the impending sustainable open-space and other public amenities to a broad array of New Yorkers.

New York is making a slow but steady economic recovery, which would be bolstered by the proposed action being heard today. As stated in then DEIS, the rezoning of Gowanus would result in a net increase of approximately 3,500 commercial, community development, and industrial workers. These jobs are not just an asset to our economy, they support the City's goal of job and housing growth in close proximity to public transit.

The City Planning Commission is tasked with the planning and orderly growth and development of the City. It is clear that the proposed action has innumerable benefits consistent with this mission and the framework put forward in the proposed changes to the zoning map and in the related text amendment will ensure forward progress of the Gowanus Neighborhood Plan. The Commission should approve these actions. Thank you for the consideration of these comments.

CONTACT:

BASHA GERHARDS

Senior Vice President of Planning
Real Estate Board of New York

bgerhards@rebny.com

[i] https://www1.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/nyc-geography-jobs2-1019.pdf
[ii] https://www.zipdatamaps.com/nh-brooklyn-neighborhood-gowanus
[iii] https://www.rupco.org/wp-content/uploads/pdfs/The-Impacts-of-Affordable-Housing-on-Health-CenterforHousingPolicy-Maqbool.etal.pdf
[iv] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4917017/
[v] https://www.archpaper.com/2017/10/gowanus-canal-first-cleanup/

August 9, 2021

City Planning Commission
120 Broadway
31st Floor
New York, NY 10271
Via Email: 19dcp157k_dl@planning.nyc.gov

19DCP157K - Comments on the DEIS

Dear City Planning Commission,

Gowanus Neighborhood Coalition for Justice (GNCJ) is a racially and socioeconomically diverse coalition that strives to elevate the voices of our community not yet heard in the City's planning process, seek consensus on community priorities and make the case for a community plan based on principles of social, economic, environmental and racial justice.

We submit these comments on the *Gowanus Neighborhood Rezoning and Related Actions & Draft Environmental Impact Statement CEQR No.19DCP157K (DEIS)* alongside our comments to Community Board 6[1] and the Borough President office[2].

As our Coalition members testified at the City Planning Commission public hearing on July 28, 2021, GNCJ continues to call on the City to meet our priority demands for the Gowanus Neighborhood Rezoning. Our top 3 demands have been reiterated and supported by the broader community, as well as Community Board 6. These are:

1) Full capital funding for local NYCHA developments
2) Net zero Combined Sewer Overflow; and
3) The creation of a Task Force to hold the City and all parties accountable for commitments made through the rezoning process.

Our Coalition will NOT support the rezoning unless are these demands are met, Our full demands have also been endorsed by over 1,600 signers at www.change.org/SupportGNCJ These include:

4) Guarantee timely reopening and renovation of the Gowanus community center with resident-led process for design, organizational structure, and programming.
5) Invest in community health & social resilience.

[1] *GNCJ Official Letter to Community Board 6*
https://static1.squarespace.com/static/5c6d8675348cd920dcfbda27/t/5fa4388d2afc506494ce0f42/1604597901562/GNCJ+response+to+Oct+22+meeting.pdf
[2] *GNCJ Official Comments to the Borough President's Office*
https://static1.squarespace.com/static/5c6d8675348cd920dcfbda27/t/60fee1dd8bd0e84a13be806c/1627316701350/GNCJ+Letter+to+Borough+President.pdf

6) Build economic equity ensuring local access to section 3 employment.
7) Invest in know-your-rights trainings.
8) 100% affordability on public land.
9) Address local skills gap with targeted multi-year workforce investment.
10) Study, implement and enforce transfer of development rights to fund full capital repairs at Wyckoff and Gowanus NYCHA developments.
11) Create an affordable housing lottery preference for local CD6 NYCHA residents.
12) Map the most affordable MIH options.
13) Mandate deeper MIH levels for private developers.
14) Follow through with IBZ commitment.
15) Create jobs for low-income local residents to maintain new buildings and public space.
16) Preserve industry and art spaces.
17) Invest in local youth employment.
18) Invest in public space.

This letter reviews our ongoing concerns regarding the DEIS analysis in the context of our above coalition priority demands,[3] and outlines specific mitigation to address impacts in the FEIS. We ask for the City to provide commitment to engagement and investment in these mitigation measures in the Points of Agreement.

Thank you for your time and attention to these important matters.

Sincerely,

Gowanus Neighborhood Coalition for Justice (GNCJ)

Cc: Councilmember Brad Lander, 39th District
Councilmember Stephen Levin, 33rd District
Deputy Mayor Vicki Been
NYC DCP Chair Marisa Lago
NYCHA Chair Greg Russ
Congressmember Nydia Velazquez, 7th District
Assemblymember Jo Anne Simon, 52nd District
State Senator Jabari Brisport, 25th District
City Council candidate Shahana Hanif, 39th District
City Council candidate Lincoln Restler, 33rd District

[3] GNCJ Coalition demands
https://static1.squarespace.com/static/5c6d8675348cd920dcfbda27/t/61115527f746a1532ad4e222/1628525863893/210712_GNCJ+Dealbreakers+and+Priority+Demands+Two-Pager+-+Proposed+Changes+%281%29.pdf

TABLE OF CONTENTS

SECTION 1: PROJECT DESCRIPTION 3

GOWANUS ZONING COMMITMENT TASK FORCE 4

SECTION 3: SOCIOECONOMIC CONDITIONS

PUBLIC HOUSING RESIDENT NEEDS & DISPLACEMENT 6

BUSINESS DISPLACEMENT 10

SECTION 4: COMMUNITY FACILITIES AND SERVICES 12

SECTION 5: OPEN SPACE 15

SECTION 6: SHADOWS 26

SECTION 11: WATER AND SEWER INFRASTRUCTURE

COMBINED SEWER OVERFLOW 27

SYSTEM CAPACITY 30

NEIGHBORHOOD FLOODING & LONG-TERM RESILIENCY 34

SECTION 16: GREENHOUSE GAS EMISSIONS and CLIMATE CHANGE 35

SECTION 18: PUBLIC HEALTH 35

SECTION 19: NEIGHBORHOOD CHARACTER 37

SECTION 20: CONSTRUCTION 38

1: PROJECT DESCRIPTION

ANALYSIS FRAMEWORK

While the City states that they are aware of the need for additional capital investments in public housing, it has failed to include any meaningful solutions in the scope of the Proposed Actions. Public housing residents must be considered in the FEIS, and not be excluded from analysis.

We continue to be concerned that the *DEIS* does not accurately portray the amount of density that will result from the proposed rezoning, as detailed in our comments on the *Draft Scope of Work (DSOW)*[4].

In Downtown Brooklyn, the City severely underestimated residential population growth as a result of the 2004 rezoning[5] and did not invest in sufficient community infrastructure, including open space, school seats, libraries, and community facilities. This neighborhood shares numerous critical infrastructures with Gowanus, in particular the RH-034 CSO-shed, the Borough Hall Energy Service District, District 15 school seats, and the F, G and R train lines.

In numerous parts of the DEIS, the City claims that the Gowanus rezoning won't have an adverse impact on infrastructure, but ignores the adverse impact that that was already created by the Downtown Brooklyn Rezoning. The City's objectives for the Proposed Actions include: "Support[ing] a successful Neighborhood Plan by institutionalizing a comprehensive planning framework that is inclusive of relevant capital infrastructure needs and services to support current demand and future growth."[6] In line with this objective, the City must take responsibility for their previous actions, and use this opportunity to fully mitigate the impacts of both the Gowanus rezoning and the Downtown Brooklyn rezoning.

In their response to comments on the DSOW, the City states that "the approach used to develop the RWCDS is consistent with criteria outlined in the CEQR Technical Manual".[7] However, the Department of City Planning (DCP) has a track record of underestimating residential development in an adjacent neighborhood when using the same criteria.[8] If the City refuses to update their criteria with lessons learned, many of them specific to conditions in this neighborhood, it can be expected that the resulting Final Environmental Impact Statement (FEIS) will not accurately portray the impacts, even if it does comply with CEQR.

---

[4] *GNCJ Comments on the Draft Scope of Work for the Proposed Gowanus Neighborhood Rezoning* https://static1.squarespace.com/static/5c6d8675348cd920dcfbda27/t/5cf54afe754476000106ab33/1559579395547/GNCJ_Comments_DSOW_5.24.19_FINAL.pdf

[5] *A Tale of Two Rezonings: Taking a Harder Look at CEQR. (*November 2018) Municipal Arts Society https://www.mas.org/wp-content/uploads/2018/11/ceqr-report-final-smaller.pdf

[6] *DEIS*, 2-49

[7] *FSOW Appendix 1: Response to Comments on the Draft Scope of Work* 1-90

[8] *A Tale of Two Rezonings: Taking a Harder Look at CEQR. (*November 2018) Municipal Arts Society https://www.mas.org/wp-content/uploads/2018/11/ceqr-report-final-smaller.pdf

GOWANUS ZONING COMMITMENT TASK FORCE

Pursuant to Local Law 175 (2016), the City is responsible for publishing a list of capital and programmatic commitments associated with neighborhood-scale rezonings, and an annual progress report detailing the status of each initiative, which it does through the NYC Rezoning Commitment Tracker. However, this important resource currently operates as a one-way conduit, and does not support the community in understanding or giving feedback on the ongoing status of commitments. Given the scale and complexity of this proposed action, the overlaps with Superfund and other neighborhood remediation activities, and the documented concern that the City is underestimating residential development, the City must recognize and fund a Zoning Commitment Task Force to ensure that commitments identified in the proposed Gowanus Rezoning, EIS, and Neighborhood Plan are met by the City and private developers.

The Gowanus Rezoning is a massive undertaking, significantly dependent on capital commitments at the City, State and Federal level. No other rezoning plan has the economic complexity and interdependence that Gowanus has. Literally hundreds of millions of dollars will be spent at three levels of government, not to mention by private developers, in the coming 15 years of rezoning. The physical impact of the development on current residents will be substantial. The public services (schools, sanitation, sewers and water, traffic control, open space, public health services, etc.) necessitated by the projected impact of 18,000 additional residents will likewise be costly. This is not the time to end civic engagement - it is the time to solidify transparent public oversight through the Gowanus Zoning Commitment Task Force.

The Task Force will monitor compliance with public and private commitments, adherence to zoning requirements, and implementation of the Rezoning. With representation from local organizations, City agencies, and stakeholders, the Task Force will receive quarterly updates from the City and other stakeholders on planning, implementation, and successful completion of commitments, and disseminate this information to the community in a transparent and accessible manner.

The proposed Gowanus Zoning Commitment Task Force will act as a resource for the community that not only provides up to date information, but also serves as a place and process to register issues, and a governance structure that encourages proactive public-private partnership and accountability around implementation. With representation from local organizations, residents, and stakeholders, the Task Force will empower the community to hold the City accountable for the Gowanus Neighborhood Plan throughout its execution. The Task Force will collect and organize reporting from responsible agencies on their rezoning commitments, and disseminate the information in a transparent and accessible manner. The Task Force will facilitate productive and respectful engagement between government agencies, development entities, and a range of diverse stakeholders in the community, with the aim of raising up voices of those most impacted.

Concentrated environmental burdens in Gowanus, including the Superfund, upland brownfields, flooding and combined sewage overflow, heat island impacts, and substandard NYCHA housing, contribute to poor health conditions for vulnerable current and future neighborhood

residents, as City mapped Environmental Justice Areas.[9] Consequently, the Task Force should review completion of Gowanus Plan elements through the lens of equity, sustainability, resilience and environmental justice.

To ensure that the Task Force can effectively accomplish its mission, the City must commit to finance the cost of a facilitator for a fifteen-year period. The facilitator will oversee Task Force activities, help to organize and enable Task Force meetings, and otherwise support the Task Force's work. The City must also commit funding to allow the Task Force to obtain ongoing professional planning expertise for the same period of time, so that the Task Force can access independent guidance on land use and planning issues.

The City should additionally support the following positions from end of ULURP until all commitments are met:

- Community Construction Coordinator
    - Liaise with all agencies and private developers undertaking construction in the neighborhood
    - Develop and maintain data review and tracking of all ongoing construction
    - Communicate information about ongoing construction to the public
    - Direct community requests to appropriate agencies for review

- NYCHA Liaison
    - Provide technical assistance and support for NYCHA residents in navigating construction processes and holding NYCHA accountable for repairs, tenant rights and Section 3 hiring

- Community Planner
    - Collect, review and monitor all City reporting, ensure that appropriate community members and organizations are able to review and comment
    - Support City and CBO development of planning projects described below, including Emergency Preparedness Plan and Community Health Needs Assessment

3: SOCIOECONOMIC CONDITIONS

PUBLIC HOUSING RESIDENT NEEDS & DISPLACEMENT

Decades of housing neglect and disrepair at local public housing perpetuates systemic racism and environmental injustice which constitutes harm to residents health, safety and well being and threatens displacement if not addressed. It is critical to prevent displacement of public housing residents - without them, the neighborhood would be significantly less diverse in terms of both race and class.[10]

[9] NYC Department of Health, Environmental Justice Areas

[10] Furman Center. How NYCHA Preserves Diversity in New York's Changing Neighborhoods (2019) furmancenter.org/thestoop/entry/how-nycha-preserves-diversity-in-new-yorks-changing-neighborhoods

Since DCP launched their community engagement process in the Fall of 2016, our coalition has been very vocal about the need to meaningfully include the input of public housing residents as part of this neighborhood planning process. As noted in our 2019 comments on the Draft Scope of Work, the City continues to dismiss the impact of the rezoning on the local public housing community. Residents living in public housing are a part of the Gowanus community and deserve to meaningfully benefit from improvements that are coming into the neighborhood.

The Coalition has met with NYCHA Chair Greg Russ, and Deputy Mayor Been in response to the 2017 5-year Physical Needs Assessments (PNAs) and found 76% of capital funds, or $274 million remains unfunded for repairs needed at Wyckoff Gardens and Gowanus Houses.

Gowanus Houses and Wyckoff Gardens - Capital Needs over Next 5 Years[11]

	Total	Source
FUNDED - Completed	$ 29,951,321	MOD
FUNDED - Not Completed	$ 118,517,108	MOD
UNFUNDED	$ 273,549,758	PNA
	$ 422,018,187	

	Gowanus Houses	Wyckoff Gardens	
FUNDED - Completed	$ 13,178,324	$ 16,772,997	MOD
IN PROGRESS	$ 59,541,606		
DESIGN / PLANNING	$ 38,819,017	$ 5,665,000	
5-YEAR PLAN	$ 12,691,485		
DASNY MANAGED	$ 1,000,000	$ 800,000	
FUNDED - Not Completed	**$ 112,052,108**	**$ 6,465,000**	MOD
Apartment	$ 75,439,909	$ 38,680,097	
Architectural	$ 46,888,943	$ 21,465,353	
Elevators	$ 20,800,000		
Electrical	$ 13,073,163	$ 2,063,481	
Mechanical	$ 29,572,427	$ 5,401,715	
Site - Architectural	$ 8,667,522	$ 2,831,398	
Site - Electrical	$ 401,547	$ 197,954	
Site - Mechanical	$ 8,066,250		
UNFUNDED	**$ 202,909,761**	**$ 70,639,997**	PNA

Sources:
PNA = Physical Needs Assessment, January 15, 2021
MOD = Modernization Activities Report for CM Levin, December 2020

[11] GNCJ Letter to RA Leaders, April 9, 2021.
https://static1.squarespace.com/static/5c6d8675348cd920dcfbda27/t/611137bab32d48423fd07a37/1628518330269/2021.04.09+GNCJ+Letter+to+RA+Leaders_.pdf

In negotiations over infrastructure investments connected to the Gowanus Neighborhood Rezoning, City Hall recently asked Wyckoff and Gowanus tenants to choose between essential repairs with three funding packages of up to $52 Million[12]. Our coalition stands with Wyckoff and Gowanus tenants to demand that the City increase its funding offer for long-deferred maintenance and full capital needs at the two NYCHA developments, with a clear scope and schedule for the work. It is unacceptable to ask tenants to choose among these essential elements of NYCHA's basic "warranty of habitability" to the tenants, especially when several of these items are mandated under the City's federal consent decree.

The City argues that the MIH mapping alone will provide the necessary affordable housing options for public housing residents. Our coalition strongly believes that this alone is not enough to "promote the economic diversity" the City intends for Gowanus. As it stands Mandatory Inclusionary Housing (MIH) still does not benefit the overwhelming majority of local public housing residents living in Gowanus Houses and Wyckoff Gardens. The lowest-income guaranteed affordable units Mandatory Inclusionary Housing can allow is at 40% AMI, an income threshold for which 63% of households currently living in the local public housing developments cannot meet. Options 1 and 2 of the MIH program mainly serve families at 60% or 80% AMI - annual incomes of up to $75,120 for a family of three. Although MIH Option 3 ("Deep Affordability Option") requires 20% of the rent-restricted units be made affordable to households making 40% AMI, developers cannot be required to select this option as it must be mapped in conjunction with Option 1 or Option 2. This means that the vast majority of apartments created with MIH would be out of reach for a majority of NYCHA families, limiting their opportunities to move out of public housing yet remain in Gowanus.

The FEIS should include:

1. Analysis of past rezonings of Atlantic Yards / Pacific Park and Downtown Brooklyn, along with the 2003 and 2007 Park Slope rezonings to analyze the discrepancy between forecasted displacement and how much direct/indirect displacement actually occurred.

2. Include multi-family residential buildings in the RWCDS that would otherwise match the definition of a projected or potential site. Don't assume that all multi-family residential buildings contain rent-stabilized units, or that the protections of rent-stabilization are sufficient to prevent displacement where the development potential is great enough.

3. Analyze secondary displacement impacts on rent-stabilized tenants. Gowanus and the surrounding neighborhoods have already lost a significant amount of rent-stabilized housing. The city must understand the impacts of this neighborhood rezoning on rent-stabilized housing stock that still remains in the neighborhood to ensure further damage is not done.

---

[12] *GNCJ NYCHA Funding Press Release June, 2021*
https://static1.squarespace.com/static/5c6d8675348cd920dcfbda27/t/61080e2dcadb042a79978618/1627917870222/NYCHA+Funding+Press+Release+61521+%281%29.pdf

4. Analyze secondary displacement impacts on public housing residents.[13] A 2015 study by the NYC Center for Economic Opportunity found that NYCHA residents living in gentrifying neighborhoods rarely benefit from the increased economic activity. The City has an obligation to understand how its zoning proposals are impacting public housing residents directly adjacent to the neighborhood rezoning. Additionally, although residents have important rights other tenants in the community do not, there is enormous pressure on NYCHA to privatize and the City does not give any thought to whether and how an upzoning will create even more pressure to turn NYCHA campuses into market-rate housing.

5. Analyze the risk of displacement from the ongoing RAD program at Warren Street Houses.

6. As part of the forthcoming 2022 new land use requirements from Int. 1572 B (Racial Equity Reports and Equitable Development Data Tool) the City should commit to include in the FEIS the racial equity data study on the Gowanus Neighborhood Plan to analyze Racial Equity on Housing and Opportunity in CD6 to create new housing that meets public housing and other low-income residents' needs.

MITIGATION

To mitigate the risk of displacement of low-income residents, the City should adopt these housing strategies:

a. Before the rezoning is approved, the City must ensure that current NYCHA residents have safe and decent housing: a basic human right. The City must dedicate all upfront funding needed to address the capital funding gap in NYCHA developments in the neighborhood to preserve the existing public housing.

b. The City should commit to additional affordable housing lottery preferences specific to NYCHA residents in Community Board 6 and an increase in percentage for people with disabilities as well as ensure that a significant number of affordable units for seniors are created. The City should also commit to a significant number of Section 8 vouchers for existing NYCHA residents so they can move to newly created affordable housing.

c. Require 100% affordability on land owned publicly and provide the necessary subsidies to provide permanent and deeply affordable units for very low-income residents, including seniors and those households whose annual income is between 0% to 60% of AMI.

d. In order to lessen racial segregation and achieve its mission of Fair Housing, the City must provide new affordable housing that truly meets the needs of our

[13] The Effects of Neighborhood Change on New York City Housing Authority Residents. NYC Center for Economic Opportunity. May 2015. Accessed at http://www.nyc.gov/html/ceo/downloads/pdf/nns_15.pdf

low-income community and provides the opportunity for NYCHA residents to move into other affordable housing locally. The community needs strategies to ensure the development and preservation of housing with deep affordability levels, especially for households who make less than 40% of the AMI.

e. Mandate deeper MIH levels for private developers. Developments along the Gowanus Canal must commit to deeper affordability than MIH alone by providing 25% permanently affordable housing at an average of 50% of AMI with 10% at 30% of AMI.The majority of new housing in Gowanus will be created along the Gowanus Canal where the current zoning is Manufacturing. In Gowanus, the residential market is so strong that the proposed market-rate units can support affordability levels deeper than what MIH currently outlines, making it perhaps the first of the PLACES rezonings with the opportunity to create additional affordability on private sites without public subsidy. Our housing crisis dictates this opportunity should not be missed.

f. Provide funding and programming for know-your-rights, anti-harassment trainings, and other building related trainings designed for public housing residents. These trainings should be done in partnership with resident leaders, local community groups, and Tenant Associations and be done with the intention of providing local residents with the tools to hold NYCHA in compliance with the stipulations of the city's agreement with HUD.

g. Finally, the City should enact the recommendations from the just released City Council's Racial Equity Report on Housing and Opportunity for the Gowanus Neighborhood Plan[14] **Most notably is the Report's 1st recommendation to preserve existing public housing in Gowanus.**

BUSINESS DISPLACEMENT

GNCJ is concerned about the potential effects the Gowanus rezoning may have on area businesses -- both precipitating direct displacement within the rezoned area, as well as indirect displacement of businesses in the study area and abutting Industrial Business Zone. In particular, industrial properties in the area will be at risk for continued real estate speculation and rising rents that may preclude their continued use for production and manufacturing purposes if gone unchecked. Industrial businesses in the area provide a vital source of jobs, paying twice the average wage of non-accredited jobs, and with 80 percent of the city's industrial jobs held by people of color and 50 percent held by immigrants.

ANALYSIS: The DEIS fails to acknowledge the adverse impact being created by a substantial displacement of businesses concentrated in the industrial sector

[14] Paul, Brian and Lance Freeman. "Gowanus Neighborhood Plan: Racial Equity Report on Housing and Opportunity." *New York City Council Land Use Division*, July 2021.

The DEIS states that the 42 businesses and 565 employees estimated to be directly displaced do "not constitute a significant adverse impact on the socioeconomic conditions of the area." This assertion is based on two statements which are not substantiated: (1) that the displaced businesses "do not represent a majority of study area businesses or employment for any given industry sector"; and (2) that "there are alternative sources of goods, services, and employment provided within the socioeconomic study area."

The industrial sector bears the brunt of this burden, accounting for 19 of the 42 businesses facing direct displacement. Specifically, the DEIS cites an estimated loss of 316,919 square feet of industrial space, to be replaced by 264,855 sf of Retail Trade space and 561,756 sf of office space. Moreover, the sector disproportionately disadvantaged is one that is the subject of regulations or publicly adopted plans to preserve, enhance, or otherwise protect it.[15] The City established Industrial Business Zones through a public process "to protect existing manufacturing districts and encourage industrial growth citywide." Therefore, industrial businesses in the IBZ comprise "a category of businesses that are subject to regulations to preserve, enhance, or otherwise protect it." In addition to this direct displacement, there are substantial indirect displacement risks.

The DEIS fails to adequately consider the serious risks of indirect displacement, particularly of industrial businesses, that could result from these proposed actions. It asserts indirect business displacement is not a risk because the expected development would "not introduce new economic activities" to the study area. This analysis does not consider the substantial reorientation of this development towards residential and office use and away from industrial production. Beyond the effects this could have in the study area, it could also threaten industrial businesses and their workers in the IBZ. Properties in the area will be at risk for continued real estate speculation with potential efforts for private rezoning applications as conflicting uses are allowed to appear as-of-right on neighboring blocks.

MITIGATION

Given these substantial, and justified concerns:

1. **The City should undertake a more detailed consideration of sector-specific indirect business displacement caused by the Gowanus Rezoning, including in the nearby Industrial Business Zone.** This analysis should be broken out by subsector, considering property types, to consider the extent of risk to each sector. Within this analysis, there should be a consideration of changes to employment opportunities for lower-income residents and those without a college degree.
2. **The City should provide relocation funds to those businesses directly displaced by the rezoning.** As the City has done with prior business displacements (e.g. Greenpoint Relocation Program, Jerome Ave Relocation Grant Program), relocation

[15] For example, see: "Industrial Action Plan," Mayor Bill de Blasio and City Council Speaker Melissa Mark-Viverito, November 3, 2015, https://www1.nyc.gov/office-of-the-mayor/news/780-15/mayor-de-blasio-speaker-mark-viverito-action-plan-grow-21st-century-industrial-and#/0, and "Engines of Opportunity," the New York City Council, November 2014, https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2017/05/Engines-of-Opportunity-Full-Report.pdf.

support should be provided covering all reasonable moving costs to allow affected businesses to continue operation elsewhere within New York City.

3. **The City should make needed investments and put in place the land use regulations necessary to allow for a robust industrial business sector in proximity to the rezoned area in the Industrial Business Zone**. Given the substantial and disproportionate displacement risk to industrial businesses directly and additional indirect displacement risks for the sector (not fully analyzed in the DEIS), measures should be taken to allow industrial businesses to thrive in the neighboring IBZ.
    a. A $5 million investment in an open-access fiber conduit system in the IBZ Vision Study Area to make affordable, high speed internet access available
    b. DOT should commit to conducting a mobility study of 3rd Avenue between 9th Street and Hamilton Avenue/16th Street near the entrance to the Gowanus Expressway. This study should consider turning lanes. Additionally, DOT should provide more flexibility around loading requirements by developing “loading and unloading only” and consolidated zones on each block throughout the IBZ with businesses sharing dedicated spots.
    c. A comprehensive flood resiliency study that examines the local sewer system in relation to coastal and inland flooding in order to identify critical areas of concern for targeted infrastructure improvements and upgrades. This study must go beyond the outdated Gowanus Long-Term Control Plan (LTCP) and anticipate the impacts of climate change and new population density.
    d. Provide $75,000 annual funding for 10 years for business training services to local minority and women-owned manufacturers, LMI entrepreneurs, start-ups, and Section 3 businesses (ownership over 51% NYCHA residents) to allow them to optimize and grow.
4. **The City should make investments in targeted workforce development, adult education, and local hiring investments** to ensure that individuals with barriers to employment benefit from increased local economic activity and investment.
    a. Fund Industrial Training and Job Readiness: Provide $100,000 annually for 10 years to support industrial job training. This could fund a program similar to SBIDC’s Industrial Career Pathways program and BWI’s customized training programs. Initial participants could be 18-25 years old from the local community, particularly NYCHA residents.
    b. Fund Integrated Service Model for Workforce Development and Job Placement: Create a $250,000 annual ten year fund for an integrated service model for workforce programming in Gowanus, modeled after the Stronger Together collaboration between SBIDC, FAC, and BWI. This collaboration provides workforce development, bridge programming, adult education, and other services to NYCHA residents in Gowanus and Red Hook. This new program should also connect with local employers in the IBZ to facilitate job placement opportunities and tailor trainings to address the skills gap in the IBZ.

The City Council’s Racial Equity Report on Housing and Opportunity for the Gowanus Neighborhood Plan also strongly recommends greater industrial supports across infrastructure

investments, workforce development (highlighting the need for an integrated model such as Stronger Together), and new industrial incentives.[16]

4: COMMUNITY FACILITIES AND SERVICES

Longtime residents who have deep roots in the community, particularly those who live in rent stabilized and public housing, deserve to experience the benefits of increased public and private investment coming into the neighborhood. The loss of important institutions and programs that serve as a resource to low- and moderate-income residents fundamentally impacts the quality of life for these residents and exacerbates existing problems.

The *FSOW* and *DEIS* continue to discuss existing City commitments, such as renovating the Gowanus Community Center, as an element of the Gowanus Neighborhood Plan.[17] This is a stand alone City commitment that must be met with no further delays. The Center served as a crucial post-Sandy resource to meet the basic needs of NYCHA residents who lost heat, electricity and hot water. Though the Center had once served as an important hub for residents for job training, personal development and a space to celebrate cultural events, prior to Sandy it had remained mostly closed due to defunding by NYCHA.

In addition to protecting and expanding the institutions and programs that are recognized as cultural and artistic hubs for the existing community, it is important that the City recognize and preserve those places where the art and culture of longtime community residents lives more informally and unprofessionally. For example, our definition of such institutions can and should also include religious institutions, stores, restaurants, non-profit community-based organizations, athletic spaces and public spaces that have served low- and moderate-income residents.

In general the City should protect institutions and spaces that are welcoming and culturally relevant for public housing residents, longstanding racial and ethnic communities including the African-American community, Italian-American community, multiple Latino/a communities, people of color, longtime residents, recent immigrants, young people, people with disabilities, the LGBTQ community, people with mental health issues, and members of our community who are insufficiently housed or homeless.

ANALYZE
The City should:

1. **<u>Analyze what institutions have already been lost due to speculation</u>** (such as affordable supermarkets and bodegas), and what businesses that serve low- and moderate-income residents are at risk of displacement.

[16] Paul, Brian and Lance Freeman. “Gowanus Neighborhood Plan: Racial Equity Report on Housing and Opportunity.” *New York City Council Land Use Division*, July 2021.
[17] *FSOW Appendix 1-30*

2. **Conduct analysis of library capacity and provide additional library space if needed.** Under CEQR, the population increase could be considered a significant adverse impact to the six libraries that serve the area. However, the City claims no adverse impact because additional libraries in Downtown Brooklyn exist. Population increases must be looked at comprehensively across the region.

3. **Analyze the impact of the rezoning on a wider range of community institutions** including community centers, religious institutions, stores, affordable restaurants, etc.

MITIGATE

1. **The City must live up to its promise to reopen the Gowanus Houses Community Center. I***n January 2019, the City committed to provide $4 million in funding to fulfill the 2017 Mayoral pledge to renovate and reopen the center. This commitment* should be followed through on, and should not be counted towards City funding associated with the rezoning.
    a. *The City must prioritize a timely, community led process for space design, organizational structure, and programming at the center. A resident advisory group is already intact, organizing interim programming and envisioning a center through a community design process. A resident-determined process serves the long term vision of building social cohesion, intergenerational connection, cultural capacity, artistic expression, resident leadership, entrepreneurial incentives, holistic wellness, and creative vision - so that residents can thrive in community, health, economy, education, and personal wellbeing.*
    b. All funding spent to improve local NYCHA developments must adhere to HUD Section 3 hiring policies to ensure Wyckoff Gardens, Warren Street Houses and Gowanus Houses (WWG) residents - especially lower income public housing residents - are hired to complete the work.

2. **The City must correct the mistake they made in previous rezonings by ensuring the construction of new schools in Subdistrict 2/CSD 15 and Subdistrict 1/CSD 13**. Schools should not be over 100% utilization. This area is already overutilized because the Downtown Brooklyn, Atlantic Yards, and 4th Ave rezonings resulted in more residents than expected and did not include appropriate planning for school seats. It appears from recent DCP documents that the City plans to mitigate school impacts with an FAR incentive to build new schools as part of new development, however, the community must be informed of where these schools will be located and the timeline for when they will be built.

3. **There must be capital improvements for the Pacific Library**, which is the only library in re-zoning boundaries, including ADA accessibility, staffing and resources..The DEIS claims that there is not an adverse impact on libraries because *"many of the residents in the catchment areas for each of the affected libraries also reside in the catchment areas for other nearby libraries and would also be served by these libraries. This includes the*

Clinton Hill and Walt Whitman Branches, for which no population increases were projected as a result of the Proposed Actions."[18] However, the catchment areas of the Clinton Hill and Walt Whitman libraries were heavily impacted by the unexpected residential population growth caused by the Downtown Brooklyn rezoning, without support for increased services. The City should invest in ADA accessibility, staffing, and resources for the Pacific Library, the only public library in the study area.

5: OPEN SPACE

The Gowanus Neighborhood is lacking in open space - currently there are just 0.34 acres of open space per 1,000 residents, which is far below the recommended NYC guidelines of 2.5 acres of total open space per 1,000 residents cited in the *DEIS*. Beyond that low ratio, very little of the existing open space in the ¼ mile study area is actually in the low-lying area adjacent to the Canal.

The Gowanus rezoning will add critical open space resources to the local neighborhood, including 3.98 acres of public waterfront on privately owned land and 1.48 acres of newly mapped park at Public Place. However, with the increased population, this increased open space will still be far below the ideal ratio. Of particular concern is a reduction in the active public space ratio, which is critical to supporting a more residential neighborhood.

The City should provide more mitigation for infrastructure, including open space, that was strained due to the underestimation of residential population growth in the 2004 Downtown Brooklyn rezoning. Though the City makes arguments in the *DEIS* for why they should not strive to reach their own recommendations for 2.5 acres of total open space per 1,000 residents, it is unacceptable for the already low ratios to decrease with the proposed actions, and any opportunity to increase this low ratio should be taken.

ANALYSIS

Discrepancies in DEIS data hide a decrease in open space ratio with the proposed actions

The *DEIS* shows that the open space ratio will stay at 0.34 acres per 1,000 residents in the ½ mile study area, but our analysis below shows several discrepancies in assumptions about the overall acreage of active space in new open spaces, which will reduce the ratio to 0.31 per 1,000 residents in the ½ mile study area. The DEIS does acknowledge the adverse impact to active open space, showing a reduction from 0.21 to 0.18 active acres per 1,000 residents in the ½ mile study area, but additional calculation discrepancies hide the full extent of this reduction. These discrepancies must be addressed in the FEIS.

Open Space Introduced Regardless of the Proposed Actions is overcounted

The table and text below describe discrepancies found in the DEIS assumptions about open space to be introduced regardless of the proposed actions, and GNCJ supports coalition member GCC's analysis and proposed mitigation to address these discrepancies.

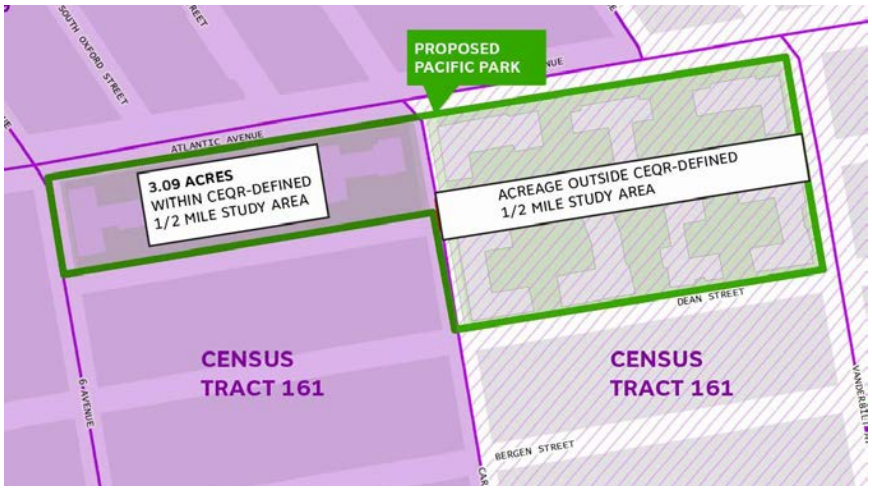
[18] *DEIS*, Chapter 4: Community Facilities and Services, page 3

TABLE 5-1: Open Space Introduced Regardless of the Proposed Actions

		DEIS Analysis			**GCC Analysis**					
					Corrected Discrepancies			Proposed Mitigation		
		Acreage			*Acreage*			*Acreage*		
Study Area	*Name*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*
1/4 mile	Head End Open Space	1.60	1.44	0.16	1.60	1.60	0.00	1.60	1.12	0.48
1/2 mile	625 Fulton Street	0.35	0.35	0.00	0.25	0.25	0.00	0.25	0.25	0.00
1/2 mile	Pacific Park	8.00	6.00	2.00	3.09	2.32	0.00	3.09	2.32	0.00
	Total	**9.95**	**7.79**	**2.16**	**4.94**	**4.17**	**0.00**	**4.94**	**3.69**	**0.48**
	Difference from DEIS				**-5.01**	**-3.62**	**-2.16**	**-5.01**	**-4.10**	**-1.68**

The DEIS cites 0.16 acres of active open space at the Head End Open Space, though the designs shared to date show no active open space despite strong community requests. GCC proposes a commitment to 30% active space at the Head End Open Space.

- The DEIS includes .35 acres of introduced open space at 625 Fulton Street, though there is an active zoning application to reduce this to .25 acres.[19] The GCC analysis uses the more conservative .25 acres.
- The DEIS analysis includes 8 acres of the proposed Pacific Park, which straddles census tracts 161 and 163, as introduced open space. However, in accordance with the CEQR Technical Manual[20], the DEIS only includes population projections for census tract 161 in calculating the open space ratio and leaves out census tract 163, which artificially inflates it. The GCC analysis corrects this to only include the 3.09 acres of park in census tract 161 and not the portion in census tract 163, while assuming the same ratio of active to passive space as the DEIS.



[19] New York City Planning Commission, *625 Fulton Street Rezoning*, 2018, p.X
[20] *CEQR Technical Manual*, 2020, p.6

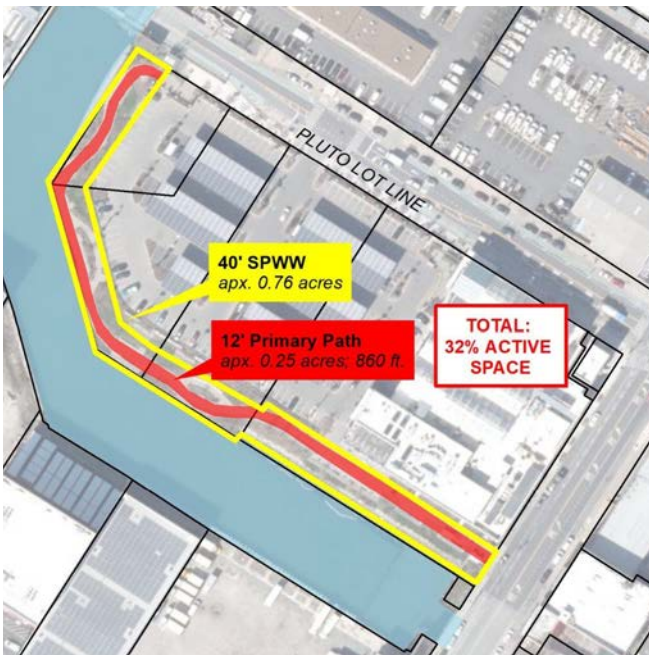
Open Space Introduced as Part of the Proposed Actions is less active than assumed

The table and text below describe discrepancies found in the DEIS assumptions about active open space percentages in new open spaces introduced as part of the proposed actions and GCC proposed mitigation.

TABLE 5-2: Open Space Introduced as Part of the Proposed Actions

		DEIS Analysis			**GCC Analysis**					
					Corrected Discrepancies			Proposed Mitigation		
		Acreage			*Acreage*			*Acreage*		
Study Area	*Name*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*
1/4 mile	Gowanus Green	1.48	0.94	0.54	1.48	0.94	0.54	1.48	0.74	0.74
1/4 mile	Shore Public Walkways	3.98	1.99	1.99	3.98	2.79	1.19	3.98	2.79	1.19
	Total	**5.46**	**2.93**	**2.53**	**5.46**	**3.73**	**1.73**	**5.46**	**3.53**	**1.93**
	Difference from DEIS				**0.00**	**0.80**	**-0.80**	**0.00**	**0.60**	**-0.60**

Based on CEQR guidelines for esplanades[21], the DEIS assumes that new shore public walkways will be 50% active and 50% passive space. However, an analysis of the existing Waterfront Public Access Areas (WPAA) in Gowanus, at 363-365 Bond and Whole Foods, show that this ratio has not been achieved using the required waterfront zoning dimensions, which include the 40’ Shore Public Walkway (SPWW) and minimum 12’ clear primary path. In both of these examples, active space is limited solely to the 12’ primary path which could be used for running or walking. The existing percentage of active space is 28% for 353-365 Bond and 32% for Whole Foods. Though we firmly request that the City implement stronger measures to ensure new esplanades include active program spaces, this cannot be taken for granted given the extremely low existing active open space ratio. GCC’s analysis in the table above uses a more realistic 30%, in line with what has been achieved on existing Gowanus SPWWs.



[21] *CEQR Technical Manual*, 2020, p.9

With the discrepancies described above corrected, the open space ratio with the proposed actions is more significantly adversely impacted, as shown in *GCC Analysis: Corrected Discrepancies* in Tables 5-4 and 5-5. In both the ¼ mile and ½ mile study area, GCC projects a reduction in both the total and active open space ratios as a result of the rezoning. As previously noted, this is not acceptable given the extremely low existing open space ratio, coupled with inadequate mitigation for Downtown Brooklyn residential development.

City Commitments Needed to Mitigate Adverse Impacts on Open Space and Active Open Space

In order to ensure that there is no adverse impact, the City must make additional commitments to capital investment, improved access, and construction timelines for open space in the neighborhood, as described on the following pages and in Figure 5-3. These commitments will eliminate adverse impacts to the total and active open space ratio, as shown in *GCC Analysis: GCC Proposed Mitigation* in Tables 5-4 and 5-5.

TABLE 5-3: Proposed Additional Open Spaces to Mitigate Adverse Impacts on Open Space

		Proposed Mitigation		
		Acreage		
Study Area	*Name*	*Total*	*Passive*	*Active*
1/4 mile	The Salt Lot	3.50	2.45	1.05
1/4 mile	Green Space on 4th Extension	0.20	0.16	0.04
1/4 mile	Fran Brady / Under the Tracks Park	1.50	0.50	1.00
1/4 mile	Smith/9th Transit Plaza	0.50	0.50	0.00
1/4 mile	Pumphouse Plaza	0.30	0.24	0.06
1/4 mile	Public Boat Launches	0.25	0.00	0.25
1/4 mile	Gowanus Underpass	0.69	0.45	0.24
1/4 mile	6 Schoolyards to Playground	2.29	0.00	2.29
1/2 mile	1 Schoolyard to Playground	0.89	0.00	0.89
Total Proposed Additional Open Spaces		**10.12**	**4.30**	**5.82**

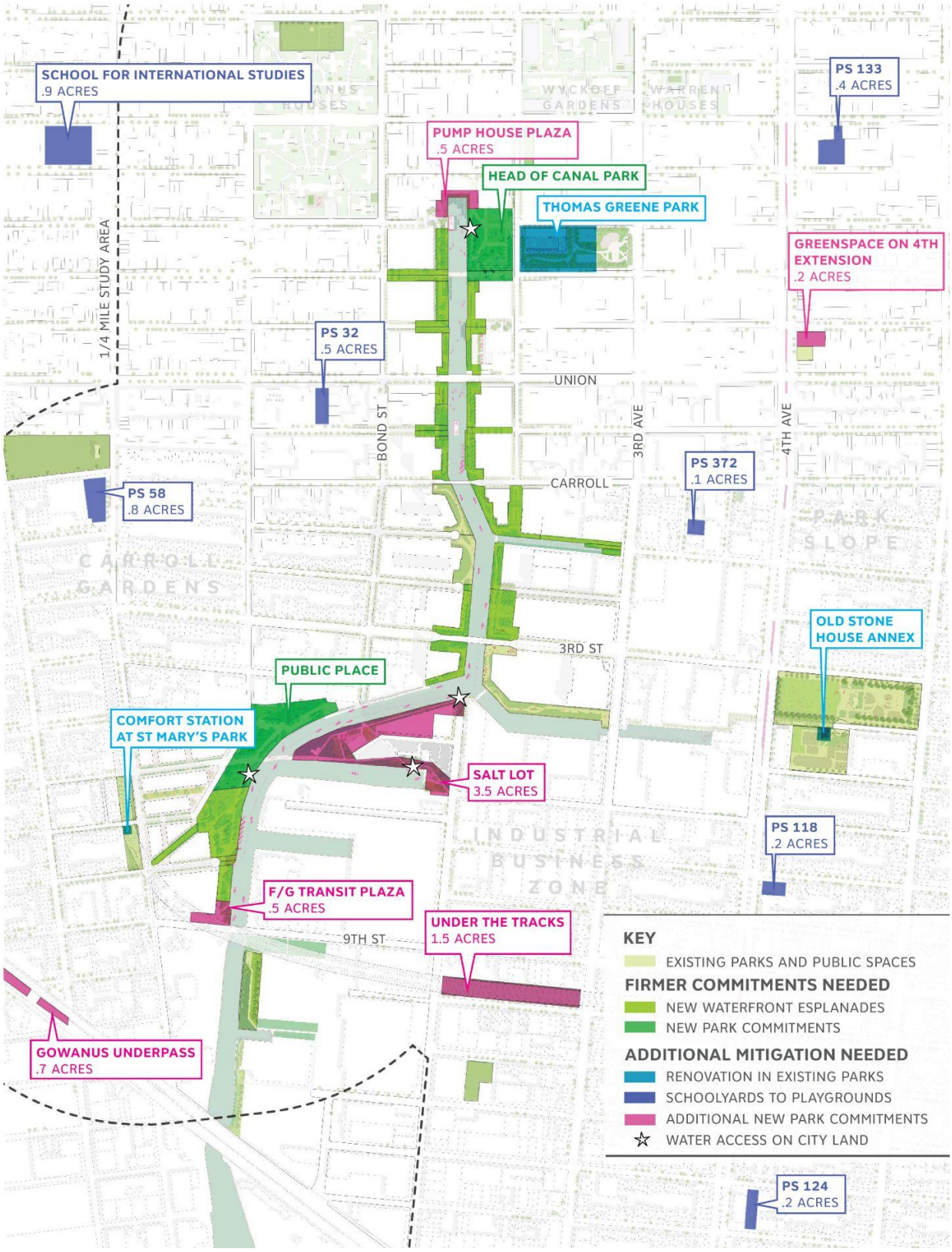
TABLE 5-4: Open Space Ratio in Non-Residential Study Area (1/4 mile)

		DEIS Analysis			**GCC Analysis**					
					Corrected Discrepancies			Proposed Mitigation		
		Ratio per 1000 persons			*Ratio per 1000 persons*			*Ratio per 1000 persons*		
		Total	*Passive*	*Active*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*
Existing	Workers	0.49	0.12	0.36	0.49	0.12	0.36	0.49	0.12	0.36
With Action	Workers	0.48	0.16	0.32	0.48	0.18	0.30	0.71	0.27	0.43
Difference from Existing		**-0.01**	**0.04**	**-0.05**	**-0.01**	**0.05**	**-0.06**	**0.22**	**0.15**	**0.07**
Existing	Workers and Residents	0.15	0.04	0.11	0.15	0.04	0.11	0.15	0.04	0.11
With Action	Workers and Residents	0.14	0.05	0.09	0.14	0.05	0.09	0.20	0.08	0.13
Difference from Existing		**0**	**0.01**	**-0.02**	**0.00**	**0.01**	**-0.03**	**0.05**	**0.04**	**0.01**

TABLE 5-5: Open Space Ratio in Residential Study Area (1/2 mile)

		DEIS Analysis			**GCC Analysis**					
					Corrected Discrepancies			Proposed Mitigation		
		Ratio per 1000 persons			*Ratio per 1000 persons*			*Ratio per 1000 persons*		
		Total	*Passive*	*Active*	*Total*	*Passive*	*Active*	*Total*	*Passive*	*Active*
Existing	Resident	0.34	0.13	0.21	0.34	0.13	0.21	0.34	0.13	0.21
With Action	Resident	0.34	0.16	0.18	0.31	0.14	0.17	0.37	0.16	0.21
Difference from Existing		**0.00**	**0.03**	**-0.02**	**-0.03**	**0.01**	**-0.04**	**0.03**	**0.03**	**0.00**

FIGURE 5-3: City Commitments Needed to Mitigate Adverse Impacts on Open Space



MITIGATION

We have seen too often that rezonings include commitments for open space that are then not met - Gowanus cannot repeat this mistake. The Points of Agreement must include clear timelines and capital funding for all open space commitments. The City must provide commitments in the Points of Agreement to create and support more open space in the immediate neighborhood and invest in existing open spaces. This should include the following:

1. Clear capital commitments and timelines for new planned open spaces at the Head of Canal and Gowanus Green
2. Additional capital and access commitments and timelines for open space on 6.94 acres of City-owned land in the neighborhood, identified in table 5-3 and below
3. Commit to make 7 local schoolyards accessible to the public after school hours through the Schoolyards to Playground program, providing 3.18 acres of active public space.
4. Renovations and improvements to existing parks and open spaces to ensure these spaces can support a growing population, including Thomas Greene, St Mary's, Old Stone House/Washington Park, Wyckoff Gardens Campus and Gowanus Houses Campus
5. Sustainable funding for open space maintenance through the creation of a Parks Improvement District

1. The City must make capital and timeline commitments for planned open spaces

The DEIS analysis identifies new public parks that must be completed in order to support the growing population. The City must make the following commitments in the Points of Agreement:

HEAD OF CANAL PARK *(1.6 acres, increase to 30% active)*

The *DEIS* counts these 1.6 acres in the Open Space analysis. EPA has recently ordered DEP to complete the tank construction by 2029, but there is not a committed date for the park construction.

- *Mitigation needed*: The City must commit to capital funding and a timeline for completion of the public open space *in addition to* the timeline for completion and operation of the CSO tank.

The DEIS analysis relies on 10% of this public space as *active* uses, which is not reflected in the current design despite a clear interest from the community.

- *Mitigation needed*: The City must increase the amount of active space in the existing site design. The site design must be revised to include at least 30% of the site area as *active* uses that the community has advocated for, including performance areas, a skate park, play areas, and a boat launch.

GOWANUS GREEN *(1.5 acres, increase to 50% active)*

- *Mitigation needed*: The City and developer must commit to firm capital and maintenance funding with construction timelines for Gowanus Green park.
- *Mitigation needed*: The City must increase the planned percentage of active open space in the park from 36% to 50% to serve the growing community.

2. The City must plan for and commit to capital funding and timelines for additional open space on 6.94 acres of City owned land in the neighborhood

SALT LOT *(3.5 acres, 30% active)*

The Salt Lot is the eco-industrial heart of Gowanus and currently provides critical city infrastructure (salt, sewage, and compost management) as well as a stewardship and education hub. The City will be building a sewage holding tank and new bulkheads on the Salt Lot beginning in 2022. This site will also serve as critical infrastructure in order to reduce CSO into the Gowanus Canal, however, existing uses on the site will be displaced.

- *Mitigation needed*: The Mid-Canal CSO tank site should be improved and expanded to accommodate the existing compost facility, native plant nursery, and education and stewardship center as well as provide 3.5 acres of new public space, a large scale salt marsh restoration, and water access integrated into the design of the sewage tank.

SMITH/9TH TRANSIT PLAZA *(0.5 acres, 20% active)*

The MTA-owned parcel on the northwest corner of the 9th Street Bridge could provide an essential connector from the train station to the public waterfront.

- *Mitigation needed*: This site should become a public plaza that provides clear and safe access from the shore public walkway to the train entrance, as well as shade and seating, bicycle parking, and an area for food trucks.

UNDER THE TRACKS PARK *(1.5 acres, 66% active)*

Once an active community park, the space underneath the F/G train viaduct along 10th Street has been shuttered since the 1990s when MTA closed it to perform repairs on the viaduct.

- *Mitigation needed*: The space underneath the F/G train viaduct along 10th Street should be repurposed as public space with programming that includes artist residencies in mobile studios, rotating art installations, a maker's market, and a display area for the Kentile Sign and other historic artifacts.

GREEN SPACE ON 4TH EXTENSION *(0.2 acres, 20% active)*

Greenspace on 4th, one of the few community gardens in Gowanus, is a welcome respite along busy 4th Avenue. This garden occupies a portion of a much larger lot owned by the City and serves as an access point for a DEP Water Tunnel.

- *Mitigation needed*: The DEP-owned lot on Sackett Street and 4th Avenue adjacent to Greenspace on 4th should be developed into public space, extending the community garden into a larger native plant park with space for gathering, shade, and a composting comfort station. The site should also host an elevator connection to the northbound R Train at Union Street, a much needed accessibility investment for the growing neighborhood.

PUMPHOUSE PLAZA *(0.5 acres, 0% active))*

The DEP owned plaza at the head of the Canal is occasionally needed for access to sewer infrastructure, but is generally unoccupied and blocking access around the head of the Canal.

- *Mitigation needed*: The City should open the plaza to the public on a regular basis and invest in an educational space in the Pump House in order to provide educational interpretation of the complex hydrological history and infrastructure in Gowanus, similar to the Visitor Center at the Newtown Creek Wastewater Treatment Plant.

PUBLIC BOAT LAUNCHES *(0.25 acres, 100% active)*
When defending the low active space ratio, the overall DEIS refers to the 1.8 mile Gowanus Canal as *"an active open space resource for kayaking and other water-dependent activities"*[22] and states that this is *"expected to increase as accessibility and water quality improves over the analysis period, further enhancing the quality and availability of open space resources in the study area."* The City cannot sit back and "expect" this increase - they must plan for it, through a combination of commitments on publicly-owned land and clear pathways for encouraging private owners to install water access. In order to best integrate equitable access along the Canal:

- *Mitigation needed:* The City must commit to building boat launches at the Head of Canal Park, the Salt Lot and Gowanus Green.
- *Mitigation needed:* The City must identify ideal locations for water access in the Waterfront Access Plan that are in line with the following principles:
    - There should be at least one emergency egress point between each bridge, striving for even distribution on both sides of the Canal.
    - In order to allow ADA accessibility while not taking up too much space on the narrow Canal, ADA launches should be located in turning basins and at the head of the Canal.

GOWANUS UNDERPASS *(.69 acres, 35% active)*
The area under the Gowanus Expressway between Court Street and West 9th Street is heavily used by bikers and pedestrians crossing between Red Hook and Gowanus, but the traffic and air quality present serious safety and environmental justice concerns.

- *Mitigation needed:* The City must commit to creating greener and safer access across this expanse, with clear wayfinding and safety measures for bikers and pedestrians, and green infrastructure to reduce flooding and CSO.

3. The City must commit to making 7 schoolyards accessible to the public after school hours through the Schoolyards to Playground program, providing 3.18 acres of active public space.
As discussed in the DEIS, the City must address the open space deficit by making New York City public school playgrounds listed below accessible to the community after school hours through the Schoolyards to Playgrounds Program. The City should also provide additional capital investment that may be needed for particular playgrounds to support more use, and prioritize educational green infrastructure installations.

[22] *DEIS*, 5-31

Proposed Schoolyards to Playgrounds

		Proposed Mitigation		
		Acreage		
Study Area	*Name*	*Total*	*Passive*	*Active*
1/4 mile	PS 124: Schoolyard to Playground	0.23	0.00	0.23
1/4 mile	PS 118: Schoolyard to Playground	0.19	0.00	0.19
1/4 mile	PS 133: Schoolyard to Playground	0.38	0.00	0.38
1/4 mile	PS 372: Schoolyard to Playground	0.13	0.00	0.13
1/4 mile	PS 32: Schoolyard to Playground	0.51	0.00	0.51
1/4 mile	PS 58: Schoolyard to Playground	0.84	0.00	0.84
1/2 mile	School for International Studies: Schoolyard to Playground	0.89	0.00	0.89
Total Proposed Schoolyards to Playgrounds		**3.18**	**0.00**	**3.18**

4. The City must commit to renovations and expanded access to ensure that existing parks and open spaces can support a growing population

THOMAS GREENE PARK

Under an Administrative Settlement with the EPA, National Grid is required to remediate the western two thirds of Thomas Greene Park, within the footprint of the former Fulton Manufactured Gas Plant site. While National Grid will be required to replace the park in kind, there is a need for additional investment to create an urban park that meets community needs aligned with the Master Plan developed by Friends of Thomas Greene Park and the Lowlands Master Plan. The design should complement and connect to the Head of Canal Park across Nevins Street and design elements should include an expanded pool and pool house, additional plantings, and sports facilities.

- *Mitigation needed*: The City must work closely with National Grid to identify a location for a temporary park and pool during remediation of the park.
- *Mitigation needed*: The City must commit to funding for comprehensive renovation after the remediation is complete in order to augment what National Grid is required to provide.

ST MARY'S PARK

The newly constructed St Mary's Park has provided a much needed place to play in the neighborhood, however, the lack of public restroom facilities is creating a public nuisance.

- *Mitigation needed*: The City must commit to providing a restroom at St. Mary's Park, ideally a composting bathroom like the Wellhouse Comfort Station in Prospect Park.

OLD STONE HOUSE & WASHINGTON PARK

Old Stone House & Washington Park are a historic site and park conservancy that provide interpretation, education programming, community facilities, and park space to the community.

The proposed Old Stone House Annex will increase visibility and access, provide educational exhibits, and support additional programming at the site.

- *Mitigation needed*: The City must commit to capital funding for the Old Stone House Annex at Washington Park.

GOWANUS HOUSES CAMPUS

The DEIS cites the potential of investing in active spaces on local public housing campuses as a potential mitigation for the active open space deficiency. If these spaces are invested in, the capital funds cannot be used to scale down the $274 million commitment that is needed for capital repairs in the buildings at Gowanus Houses and Wyckoff Gardens.

- *Mitigation needed*: The City should invest in improvements to the campus with input from residents. Recommended improvements include community maintenance of gardens and green infrastructure, an accessible green roof pilot, Community Center entrance garden and backyard improvements, lighting enhancements, BBQ areas, and seating.

WYCKOFF GARDENS CAMPUS

The DEIS cites the potential of investing in active spaces on local public housing campuses as a potential mitigation for the active open space deficiency. If these spaces are invested in, the capital funds cannot be used to scale down the $274 million commitment that is needed for capital repairs in the buildings at Gowanus Houses and Wyckoff Gardens.

- *Mitigation needed*: The City should invest in improvements to the campus with input from residents. Recommended improvements include community maintenance of gardens and green infrastructure, an accessible green roof pilot,Community Center entrance garden improvements and lighting enhancements.

6. The City must facilitate sustainable long term management of parks and public spaces

Under waterfront zoning regulations, new development along the waterfront will be required to construct and maintain publicly-accessible esplanades but there is no mandate to provide programming or community engagement. The Street Tree Planting requirement will bring an estimated 500 new street trees to the neighborhood with no plan or funding for maintenance - a critical component of young tree survival. Additionally, the proposed City-owned public spaces, including one at Gowanus Green, lack funding for maintenance and programming entirely. With significant cuts in the New York City general budget, including a 14% decrease for the Department of Parks & Recreation in fiscal year 2021[23], maintenance funding for new parks is not a given. The Gowanus neighborhood presents an opportunity to plan for this funding upfront, before new parks are created.

- *Mitigation needed:* The City must work with local stakeholders on the creation of a Parks Improvement District to ensure sufficient, cohesive maintenance and programming across existing and future parks and public spaces in Gowanus.

[23] New Yorkers for Parks, *Release: Play Fair Coalition - 14% Slash to Parks Budget Threatens Open Spaces When New Yorkers Need Them Most*, 2020

6: SHADOWS

Furthermore, the DEIS has shown that neighboring development enabled with the rezoning would produce shadows on the existing public swimming pool at Thomas Greene Park in May and August, stating that *"...in the late afternoon of the May 6/August 6 analysis day, the pools would be mostly or entirely in incremental shadow from approximately 3:45 PM to 6:00 PM when it closes (i.e. 7:00 PM EDT). This extent and duration of new shadow would come at a time of day when temperatures and use of the pool are at their highest and have the potential to affect both the pool's operation and the user experience. Therefore, a significant impact on the Double D Pool could occur on this analysis day."* 6-12. Proposed mitigation for shadows includes *"modifications to the height, shape, size, or orientation of proposed developments that cause or contribute to the significant adverse shadow impact."* 21-2

- *Mitigation needed*: The City should model modified massing on 549 Sackett St, 270 Nevins St, and 495 Sackett St to identify ways to reduce shadows on Thomas Greene Park.

As the Thomas Greene Park is renovated, the reconstructed pool should be sited to avoid these shadows. The DEIS notes that *"In the spring, summer, and fall, the northern half of the park receives the most sun, and the southeastern corner, the least. Therefore, recreational activities that depend most on sunlight, such as sitting and sunning, or water features such as a pool or sprinklers, would likely be best located in the northern half or central area and not in the southeast corner."* 6-13

- *Mitigation needed*: In the comprehensive renovation, the City should assess siting the pool in the northern half of the park.

11: WATER AND SEWER INFRASTRUCTURE

Combined Sewer Overflow (CSO) and persistent inland flooding are two of the greatest environmental threats facing the Gowanus neighborhood today. Gowanus Neighborhood Coalition for Justice demands that the City commit to a "*Net Zero CSO*" rezoning that will ensure that new development projects implement practices that do not increase pollution to the Canal and worsen neighborhood flooding. The *DEIS* concludes that the proposed actions under the rezoning are not projected to impact CSO discharges or water quality in the Gowanus Canal *with* the forthcoming Unified Stormwater Rule in place[24]. With the new rule, the *DEIS* shows an outcome that is better than Net Zero CSO, reducing annual CSO discharges by 5 million gallons. Absent the new rule, however, the City concedes that given the anticipated increase in population density under the RWCDS, future increases in sanitary flow would lead to an annual CSO increase of 3 million gallons per year[25].

While the modeling presented in the DEIS shows a future condition that meets the demand for a Net Zero Rezoning, we have outstanding questions and concerns about the modeling

[24] *DEIS,* 11-2
[25] *DEIS,* 11-27

assumptions, overall impacts, and mitigation efforts pertaining to the three areas outlined below:

- Combined Sewer Overflow
- System Capacity
- Neighborhood Flooding and Long-Term Resiliency

COMBINED SEWER OVERFLOW

The overloaded sewer system currently discharges about 363 million gallons of raw sewage and polluted run-off into the Canal each year.[26] While planned grey and green infrastructure investments, including the proposed CSO Facilities required under the Superfund process, will improve water quality in the Canal - they do not fully address CSO. Once these projects are complete, there will still be about 115 million gallons of annual CSO discharge left unmanaged under *existing conditions*[27]*.* The rezoning is anticipated to add approximately 18,000 new residents on 63 Projected Development sites, which will increase sanitary flow by 1.29 million gallons per day (mgd).

ANALYSIS

As mentioned previously, the *DEIS* modeling concludes that the proposed actions are not anticipated to impact CSO discharges and water quality in the Gowanus Canal *with* the Unified Stormwater Rule in place. With the new rule, the *DEIS* reports reductions in CSO loading and frequency at each individual CSO outfall and summarizes overall impacts by CSO-shed based on future development conditions at the 63 Projected Development sites.

However, given the location and topography of the study area and the subsequent sensitivities to CSO increases, guidelines under the *CEQR Technical Manual* warranted a more detailed analysis that fully investigates the potential for increased sanitary or stormwater discharges that may impact capacity in the existing sewer system, exacerbate CSO volumes and/or frequencies, or contribute greater pollutant loadings in combined sewage discharged to receiving water bodies. The more detailed analysis provided in the *DEIS* included an assessment of impacts for the proposed actions *without* the Unified Stormwater Rule and under the current regulatory framework, the 2012 Stormwater Rule. This analysis yielded concerning results, including a projected increase in overall annual CSO volume by 3 million gallons and an increase in Total Suspended Solids (TSS) load to the Canal of 3,175 pounds per year or a 2.8% increase from the No Action condition. While the *DEIS* reports that the projected increases in TSS would not impact requirements specified in the EPA's Record of Decision

[26] NYC Dept of Environmental Protection, *SPDES Combined Sewer Overflows, Best Management Practices Annual Report*, 2019

[27] NYC Dept of Environmental Protection, *Combined Sewer Overflow Long Term Control Plan for Gowanus Canal*, 2015

(ROD) as part of the Superfund process, the overall *DEIS* designates the Canal as *"an active open space resource for kayaking and other water-dependent activities"*[28] and water quality standards that are suitable for and protective of these uses must be planned for in advance. These concerns are especially relevant in light of limited regulatory enforcement by NYSDEC due to their recent proposal to rollback protective language for primary and secondary contact recreation on SD/I waterways[29].

The *DEIS* addresses many community concerns and comments provided by GCC and other stakeholders regarding CSO in the DSOW and we appreciate DEP's efforts to implement the Unified Stormwater Rule by 2022. However, the reported impacts on CSO discharge and water quality *without* the Unified Stormwater Rule in place underscore the importance of the new rule's implementation prior to future development and outline a critical need to oversee and track the incremental impacts as part of the site sewer connection permitting process for each development site. The FEIS must include a commitment to implement the new stormwater rule *before* permitting site sewer connections in the Rezoning Study Area and we look forward to a DEP's final schedule for rule implementation must be in in the *FEIS*. Additionally and prior to finalizing the FEIS, there are several outstanding concerns pertaining to CSO and water quality modeling and subsequent analyses that must be addressed to ensure the new stormwater rule is successful:

Projected sanitary flows must accurately reflect the RWCDS

The projected sanitary flow, which assumes a per capita wastewater generation of 73 gallons per day, is entirely contingent on the population density outlined under the RWCDS. Under this framework, the projected increase in daily sanitary flow is determined to be 1.29 million gallons per day (mgd) for an anticipated 18,000 new residents on 63 Projected Development sites. As noted in the above section on *Project Description: Analysis Framework*, we continue to be concerned that the *DEIS* does not accurately portray the amount of density that will result from the proposed rezoning. GCC's comments on the DSOW presented an alternative analysis that recommends 91 Potential Development Sites be counted as Projected Development Sites, which would result in an additional 13,000 residents that are unaccounted for in the assessment on water and sewer infrastructure. Under this alternative development scenario, daily sanitary flows are likely to increase by 2.26 million gallons per day - a figure that is nearly 1 mgd greater than what is presented in the *DEIS*. Given the substantial underestimation of environmental impacts in previous rezonings, we strongly encourage DEP to consider an alternative assessment of the RWCDS that anticipates growth on these likely to develop Potential Sites that have been left out of the scope. In particular, those falling within the 8

[28] *DEIS*, 5-31

[29] New York State Department of Environmental Conservation, *Proposed Amendments, Site-Specific Enterococcus Water Quality Standards for Class I/SD Waters*

CSO-sheds that will not receive additional infrastructure investment to manage this anticipated growth.

Modeling must account for impacts of climate change

Watershed modeling performed as part of the Gowanus Canal 2017 Long-Term Control Plan (LTCP) and Superfund Project has been refined in the *DEIS* to more accurately determine baseline conditions and assess sewer system capacity serving the Project Area. While this effort to improve upon the existing model is responsive to many community concerns and provides a foundation for the future assessment of sewershed impacts, it continues to rely on outdated precipitation data from 2008 that does not anticipate increased frequency and duration of wet weather events in light of climate change. In order to more accurately assess future impacts of development and ensure the Gowanus neighborhood is prepared to withstand these imminent threats, modeling parameters must incorporate forward-looking climate change data to be consistent with NYC's "Climate Resiliency Design Guidelines[30]. At a minimum and echoing recent concerns expressed by EPA in their July 13th correspondence to Gowanus elected officials regarding inconsistencies in the *DEIS*,[31] the City's watershed model for the study area must acknowledge that 1.) mean annual precipitation will increase between 4% to 13% by the 2050s and by 5% to 19% by the 2080s and that 2.) sea level will rise by 11 to 21 inches by the 2050s and by 18 to 39 inches by the 2080s.

MITIGATION

1. The Unified Stormwater Rule must be in effect prior to the first site sewer connection enabled by the Rezoning

The *DEIS* shows an outcome that is better than Net Zero CSO, essentially meeting our demand and reducing CSO to the Gowanus Canal by 5 million gallons per year *with* the forthcoming Unified Stormwater Rule in place. Absent this new rule, the City concedes that CSO would increase by 3 million gallons per year.

- *Mitigation Needed:* The new rule must be in effect prior to the first site sewer connection in the Rezoning Study Area and the City must establish and provide transparent reporting on baseline conditions.

2. DEP must provide transparent reporting on implementation of the Unified Stormwater Rule

The *DEIS* shows a projection, but we need to see the reality as it plays out on the ground. As part of DEP's assessment of water and sewer infrastructure in the *DEIS*, they have developed a detailed model of the local sewer system, including an Amended Drainage Plan (ADP), that sets the stage for tracking new site sewer connections. DEP's work on this analysis is above and

[30] New York City Mayor's Office of Resiliency, *Climate Resiliency Design Guidelines,* 2020, p.49-51

[31] United States Environmental Protection Agency, *Potential Combined Sewer Overflow Increases/Decreases into Gowanus Canal from Rezoning-Related Development*

beyond what is generally required in an EIS and demonstrates that they are listening to community concerns. However, models by their very nature are imperfect projections that must be validated with empirical data and direct measurements as they become available.

- *Mitigation Needed:* To ensure the Unified Stormwater Rule performs as anticipated in the *DEIS*, DEP must provide transparent and accessible reporting of actual impacts as new buildings are constructed to validate the model and prove that new development does not add pollution or worsen neighborhood flooding. To monitor incremental impacts of development, the Amended Drainage Plan should be updated for each development site catchment upon approval of permitted Stormwater Management Plans (SMPs) required under the new stormwater rule and cumulative impacts by CSO-shed should be summarized annually. The community must have access to this reporting through the Zoning Commitment Task Force.

SYSTEM CAPACITY

ANALYSIS

Assessment of sewer system capacity must address the impacts of previous and proposed future rezonings

The *DEIS* concludes that development under the *With Action* condition is expected to generate a total of approximately 2.4 million gallons per day (mgd) of sanitary sewage that will be directed to the Red Hook and Owls Head WWRF's during dry weather. This *With Action* condition represents a 2.2% and 0.5% increase of the permitted capacity to the Red Hook and Owls Head WRRFs, respectively, resulting in **80.2% dry weather capacity at the Red Hook WRRF** and 45.5% dry weather capacity at the Owls Head WRRF.

We are increasingly concerned that the Red Hook WRRF is close to reaching its dry weather permitted capacity and that the analysis presented in the *DEIS* does not assess the cumulative impacts of ongoing and proposed land use actions outside of the Gowanus Neighborhood Plan, including:

- GOVERNORS ISLAND: the proposed South Island Development Zones as part of the phased Governors Island Rezoning are projected to increase daily dry weather flow to the Red Hook WRRF by an additional 4.15%[32].
- DOWNTOWN BROOKLYN: The City grossly underestimated the residential density and subsequent environmental impacts of the 2004 Downtown Brooklyn rezoning[33], which shares numerous critical infrastructures with Gowanus, in particular the RH-034 CSO-shed, which diverts flow to the Red Hook WRRF.

[32] New York City Office of Environmental Coordination, *Phased Redevelopment Of Governors Island –South Island Development Zones, FSSGEIS*, 10-2

[33] Municipal Arts Society, *A Tale of Two Rezonings: Taking a Harder Look at CEQR*, 2018

- ATLANTIC YARDS: This will almost double the amount of anticipated new housing units in our area and have significant impacts on critical infrastructure for Gowanus, in particular the RH-034 CSO-shed, which diverts flow to the Red Hook WRRF.
- GOWANUS 4TH AVENUE: Along 4th Avenue, 30 parcels have been developed since the Park Slope Rezoning proposal was approved in 2003[34]. Collectively, these lots account for an increase of 1,434 residential dwelling units and 3,140 residents since 2003 and must be accounted for in this analysis.

Assessment of sewer system capacity must address known capacity issues of infrastructure diverting flows to the Red Hook WRRF

Of further concern, there is an urgent critical need to address known bottlenecks in the sewer system that further exacerbate capacity issues in the Red Hook Sewershed, including the Bond-Lorraine Sewer Line. , This a critical junction that directs wet weather flow from Carroll Gardens catchment areas impacted by the rezoning through Red Hook which diverts flow towards the Red Hook Wastewater Treatment Plant via the Red Hook Interceptor - the predominant sewer line serving the 3,200-acre drainage area that includes much of northwest Brooklyn.

NYC Department of Environmental Protection (NYCDEP) has reported that the aging Bond-Lorraine sewer is tidally-influenced and currently more than 50% full during dry weather conditions, exceeding the anticipated design capacity by more than 30%*(Figure 11-1)*. During wet weather events, this infrastructure is insufficient, resulting in regular street-level flooding, sewer backups, noxious odors, and combined sewer overflow (CSO). These conditions are likely to be exacerbated by rising sea and groundwater levels, increased precipitation, and future development proposed under the *With Action* condition in the *DEIS*. NYCDEP hydrologic modeling shows that conditions along this sewer line are the “highest priority problem” *(Figure 11-2)* in the area and that infrastructure upgrades are needed.

[34] *Primary Land Use Tax Lot Output (PLUTO) Data*. (September 2018). NYC Department of City Planning

Figure 11-1: Issues Affecting Gowanus - Bond-Lorraine Sewer[35]

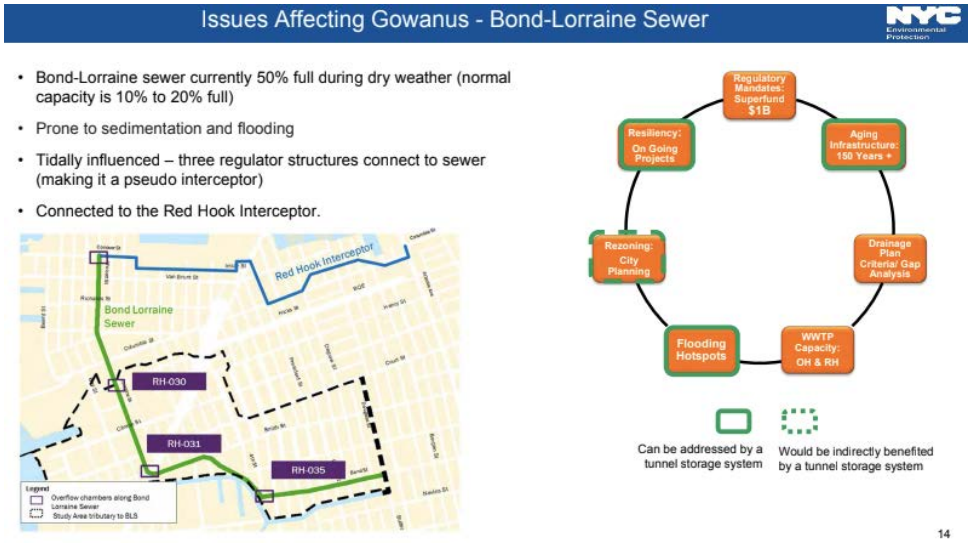
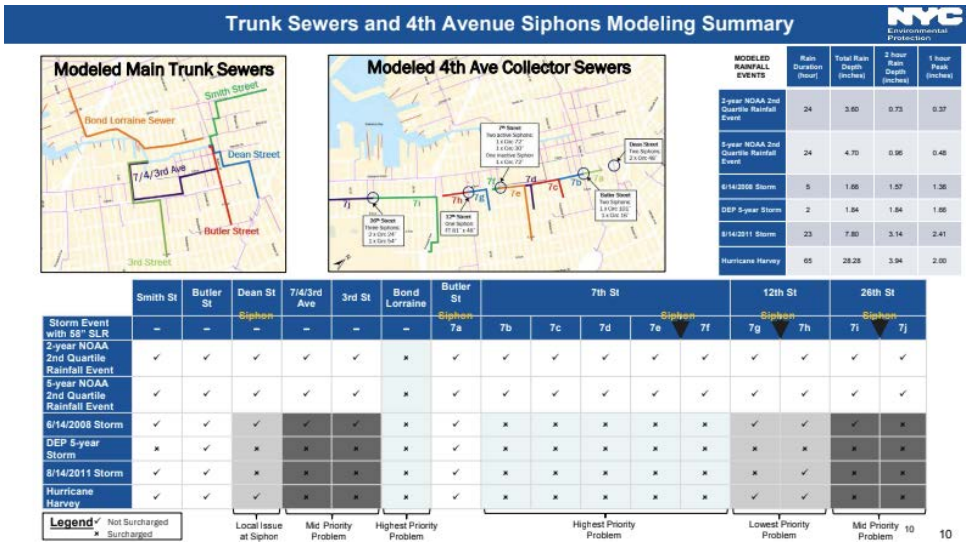


Figure 11-2: Highest Priority Problem [36]



MITIGATION

3. Capital commitments for future infrastructure and planning must be anticipated

The City must acknowledge the existing limitations of the sewer system, and make commitments for infrastructure that will address capacity issues.

- *Mitigation Needed:* The City must complete a comprehensive hydrological study that fully examines the capacity of the local sewer system in relation to coastal and inland flooding in order to identify critical areas of concern for targeted infrastructure

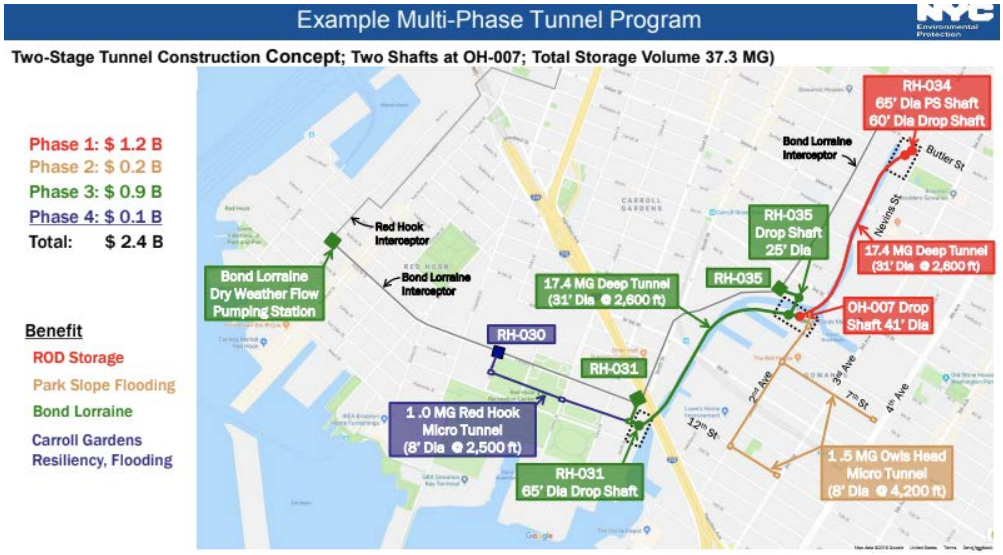
[35] NYCDEP, Gowanus Canal Superfund CSO Project Tunnel Storage System Alternative, EPA Technical Workshop, Slide 14, July 2018

[36] NYCDEP, Gowanus Canal Superfund CSO Project Tunnel Storage System Alternative, EPA Technical Workshop, Slide 10, July 2018

improvements and upgrades. This study must go beyond the outdated Gowanus Long-Term Control Plan (LTCP) and anticipate the impacts of climate change and new population density.

- *Mitigation Needed:* The City must commit capital funds for infrastructure upgrades at the Bond-Lorraine Sewer Line to address capacity issues in the Red Hook Sewershed. In conjunction with the 2019 proposal to construct a 16-million gallon underground tunnel below the Gowanus Canal, NYCDEP proposed what could be a solution, including the construction of an underground microtunnel transecting Red Hook Park and a dry weather pumping station where the Bond-Lorraine sewer line meets the Red Hook Interceptor at the intersection of Wolcott and Conover Streets but dropped the suggestion when the tunnel proposal was rejected by the U.S. Environmental Protection Agency (USEPA). This proposal should be funded in the context of the Gowanus Neighborhood Plan.

Figure 11-3: Proposed Infrastructure Upgrades at the Bond-Lorraine Sewer[37]



- *Mitigation Needed:* The City must investigate opportunities for increasing CSO capture during design and planning for the OH-007 CSO Facility. As noted in EPA's letter to NYCDEP regarding their final decision on the proposed tunnel alternative[38], the Agency is amenable to discussing a potential expansion of the volume of the two CSO retention tanks in relation to the rezoning proposal.
- *Mitigation Needed:* The City must commit to additional green and grey infrastructure, including sewer separation projects, right-of-way and street end green infrastructure, and micro-tunnels throughout the Gowanus Sewershed in order to address capacity

[37] NYCDEP, Gowanus Canal Superfund CSO Project Tunnel Storage System Alternative, EPA Technical Workshop, Slide 18, July 2018
[38] USEPA, Letter to NYCDEP Re: Gowanus Canal Superfund Site, September 2019

issues. As mandated by EPA's recent Administrative Order[39], when implementing or approving municipal sewer infrastructure upgrades and/or private stormwater controls within the Gowanus sewershed, NYCDEP must separate stormwater for discharge to the Gowanus Canal to the maximum extent practicable.

NEIGHBORHOOD FLOODING & LONG-TERM RESILIENCY

ANALYSIS

In addition to an assessment of CSO impacts, the *DEIS* presents an analysis of neighborhood flooding for the Rezoning study area based on the refined model that incorporates the Amended Drainage Plan (ADP). In the FSOW, the City states that "*Infrastructure improvements are beyond the purview of zoning and the Proposed Actions. However, the development of the Framework resulted in the identification of infrastructure and other community needs, including flood resiliency, stormwater management, sewer infrastructure, and remediation of the Canal."*[40]

Neighborhood flood modeling and risk assessment is not comprehensive and lacks spatial context

While DEP's assessment of flood risk provides a useful starting point, impacts and analyses are not comprehensive and do not provide enough spatial context for future infrastructure planning. Appendix F of the *DEIS* presents a table with "Number of Flooded Manholes and Total Surface Flooding Volume" comparing the *No Action* and *With Action* scenarios with both the existing 2012 Stormwater Rule and the proposed Unified Stormwater Rule in place[41]. The table, which serves as the only assessment of surface flooding in the *DEIS*, simply concludes that under the 2035 *With Action* scenario with the Unified Stormwater Rule in place, there will be a 0.05 MG reduction in flood volume and 5 fewer flooded manholes. The locations of the manholes are not disclosed and reductions in projected flood volume are contingent on implementation of the Unified Stormwater Rule.

Additionally, the flood risk assessment presented in the *DEIS* fails to acknowledge the recent NYC Stormwater Resiliency Plan[42] and incorporate high-resolution data from the *New York City Stormwater Flood Maps* that depict areas most at risk for rain-driven flooding and subsequent need for targeted infrastructure investment. Figure 11-5 below represents the Extreme Stormwater Flood Risk in Gowanus, identifying much of the Rezoning study area at extreme risk for deep and contiguous flooding. Prior to finalizing the FEIS, the City must incorporate these data to ensure a comprehensive assessment of neighborhood flooding.

[39] USEPA, Region 2, Executive Administrative Order for For Remedial Action, Gowanus Canal, March 2021
[40] *FSOW*, 2-52
[41] *DEIS, Appendix F, p.29*
[42] NYC Mayor's Office of Resiliency, NYC Stormwater Resiliency Plan, May 2021

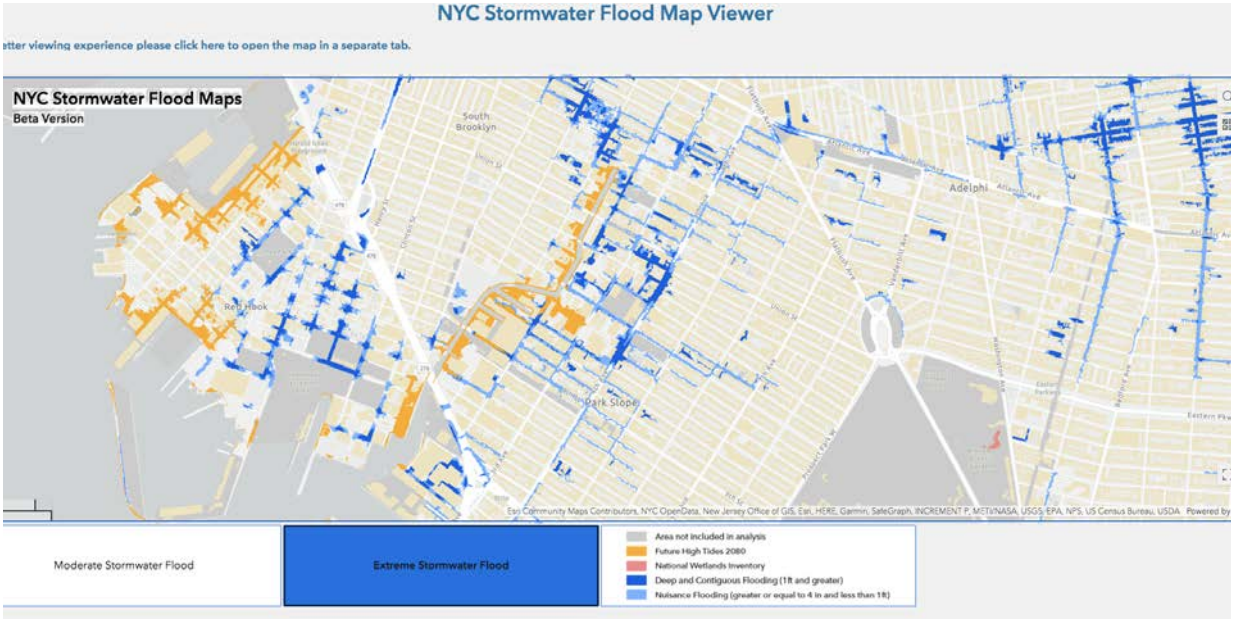


Figure 11-5: NYC Stormwater Flood Maps - Extreme Stormwater Flood Risk in Gowanus

MITIGATION

1. *Mitigation Needed:* The City must commit to the completion of a comprehensive flood resiliency study that in addition to assessing system capacity, also addresses flood resiliency in order to define future capital investment and assess cumulative impacts of each development site when site sewer connection permits are filed under the Unified Stormwater Rule. As mentioned above, the assessment and refinement of modeling in the Amended Drainage Plan area is critical to outline capital needs and infrastructure planning.

16: GREENHOUSE GAS EMISSIONS and CLIMATE CHANGE

AND

18: PUBLIC HEALTH

ANALYSIS

The FEIS analysis of public health and climate change impacts should include an assessment of existing vulnerable populations and the compound effects of new construction and climate change on health as they relate to Superfund impacts, indoor health concerns at NYCHA, and other social determinants of health affecting vulnerable populations.

Mitigations should include investing in community health and social resilience through a comprehensive package of funding to improve Social Resilience and Health outcomes for local public housing residents through Environmental Justice and Racial Equity Assessments and

recommendations to eliminate disparities. Furthermore *all* local residents should be included in a Community Health Needs Assessment and Community Emergency Preparedness Plan to address local health disparities and disaster risks.

These following assessments are crucial to prioritize public and private commitments that emphasize health co-benefits and address local environmental justice area needs as Community District 6's overall wealth masks the needs that exist within pockets of the community.

a. Leverage the NYC Environmental Justice Policy Bills to have the Environmental Justice Advisory Board[43] and City agencies work with communities in mapped Environmental Justice areas[44] in Gowanus to develop plans to address environmental injustices, including CSO, flooding, urban heat island, emergency preparedness, climate resilience and mold, lead and asbestos and air quality in public housing .

b. Create a Community Health Needs Assessment (CHNA) identifying the biggest health needs in the community and establishing goals to guide policymakers and community members on how to prioritize based on these health concerns.

c. NYCHA should perform lead and mold abatement in local public housing, as well as educate residents on these abatements and release data on the mold busters pilot, building ventilation systems for indoor air quality and lead paint evaluations that NYCHA has conducted at Gowanus Houses and Wyckoff Gardens. Mechanical ventilation systems are also failing to adequately protect residents and there is a need to address these grave inequities to satisfy the appropriate mitigations for the Federal monitorship

d. Invest in mitigation and development strategies to address urban heat island and related heat waves as a public health threat forecasted to intensify on account of climate change. Investments and development strategies, such as those put forward by Urban Land Institute's New York District Council and Urban Resilience Program report on Gowanus6, could be effective for mitigating UHI in Gowanus and should be required within the Gowanus Mix Use District and Waterfront Access Plan.[45]

e. And finally, fund the creation of an Equitable, Community Driven Emergency Preparedness Plan for Gowanus between local stakeholders, partners and agencies. This plan should ensure adequate local emergency response protocols for public housing residents, not only in regards to weather related emergencies,

[43] NYC Climate Policy and Programs - Environmental Justice in New York City
[44] DOH Map of Environmental Justice Areas
[45] gowanus-udcw-report-final-for-web.pdf (uli.org)

but also for building system heat, water and gas outages that regularly impact local public housing residents.

19: NEIGHBORHOOD CHARACTER ANALYSIS

As GNCJ noted in our response to the DSOW, based on our review of recent rezonings (Downtown Brooklyn, Greenpoint) it was painfully clear that the way DCP typically analyzes impact on neighborhood character has been inadequate to predicting actual neighborhood changes and falls short of providing communities with a reliable predictor of those changes.

The City views analysis of impact on Neighborhood Character as a static planning process that ends when planning legislation is approved. We urged that Gowanus planning needed to be viewed through the lens of equity and environmental justice and urged that representatives from all parties to rezoning activity routinely convene to assess the progress and impact of Zoning Plans.

With respect to prospective analysis, we asked the City to exercise its discretion to perform a detailed analysis of the impact of the rezoning on neighborhood character, and to look beyond mere physical characteristics of the neighborhood in analyzing neighborhood character. We urged the City to consider the following as "defining features" of our neighborhood, and to analyze the potential impact of the rezoning on these core features:

(1) The presence of a significant number of public housing residents in the community.

(2) Gowanus' character as a neighborhood in which residents can live and work - in part due to the unique mix of residential, arts, and industrial uses that the neighborhood provides.

(3) Our community's racial, ethnic, and socio-economic diversity.

In response (directly both in responses to the Draft EIS and indirectly in the subsequent "Gowanus Plan", the New York City Planning Department opined that "*the City's population is highly diverse and dynamic, and as a result, the demographics of individual neighborhoods change significantly over time. For this reason, the CEQR Technical Manual's recommended methodology for analyzing potential socioeconomic impacts looks at, among other things, potential residential displacement across all demographic groups that results from the proposed action and does not break down the analysis of potential dis-placement based on race, ethnicity, gender, type of household, or other characteristic of particular residents Moreover, there is no reliable method to project the race or other characteristic of individuals who will move out of or into a particular neighborhood or that may start a business in a neighborhood."* (emphasis ours)

Luckily for future communities facing zoning changes, the NY City Council saw this issue differently and drew up legislation requiring a racial impact analysis as part of Rezoning. Unfortunately, this requirement will not be part of the Gowanus Rezoning. Additionally, as of this writing, while the City now considers NYCHA residents as persons impacted by the rezoning, it has failed to address the NYCHA Capital Funding remedies described in other parts of this

document And, as we also have noted in other parts of this document, the City has still fallen short on Gowanus Mix components.

In the area of ongoing collaborative review of community impact, DCP continues to equate the City agency practice of "parallel play" as an example of collaboration (most puzzlingly, in the area of social/environmental justice!). Again, in their response to issues raised in the Draft EIS they observe "*The requests that the Gowanus rezoning be amended to address health and social issues is beyond the scope of the underlying land use actions and of the Proposed Actions' environmental review. However, independent of the Gowanus rezoning, the City has undertaken multiple initiatives to address social and health challenges experienced by residents throughout the City. For example, the City recently issued an extensive analysis of the fair housing challenges that impact New Yorkers and how the City can continue to build more integrated, equitable, and inclusive neighborhoods (see "Where We Live" report). The City has also pursued initiatives to improve the health of New Yorkers, such as Take Care New York 2020.*

We do not disparage the idea of City agencies taking initiatives, or meeting with local area residents when developing those ideas, but reports are not the same as action plans. Nor do we underestimate the challenges involved in inter-agency collaboration, much less when participants include area residents, organizations, and stakeholders. However, these are perilous times and we must learn the lessons of the need to be prepared for the unexpected, be it seemingly precipitous climate changes, the abrupt emergence of a pandemic, changes in governmental leadership, or the hundreds of ways a development project can falter or fail to produce deliverables.

For this reason, our third deal breaker demand is that the Gowanus Plan includes support and funding for a **Gowanus Zoning Commitment Task Force**, as described on page 4.

The character of a neighborhood is what defines our sense of place in a city. It is to our civic advantage to have broad based understanding and agreement on how we address changes to a neighborhood.

20: CONSTRUCTION

As described in the DEIS, construction activities associated with the rezoning would be disruptive and result in significant adverse impacts while underway, projected to be an approximately 14-year period.[46] This construction period overlaps with construction activities associated with ongoing Superfund dredging and planned combined sewage overflow tanks, which are located in the same area and will impact the same residential population, historic and cultural resources, and transit systems. Under the status quo, construction oversight and coordination is an incredibly complex and convoluted system, with 11 agencies at 3 levels of government variously responsible for 24 areas of oversight, ranging from building codes to noise codes to air emissions to hazardous materials.[47]

[46] *DEIS*, *20-1*
[47] *DEIS*, *20-5*

Mitigation needed: Due to the high potential for adverse impacts from construction activities and compounding overlaps with Superfund activities, it is critical that the City establish a Zoning Commitment Task Force to provide oversight and coordination of construction on public and private properties throughout the neighborhood. The following components should be included in the scope of the Task Force:

- In regular meetings, contractors, agencies and utilities should share information, receive community feedback, and coordinate construction timelines to lessen environmental impacts on neighbors. Information includes impacts on buildings, streets, bridges, sewers and public spaces, as well as updates on construction practices including 24-hour air monitoring, safety, staging, removal of contaminated soil, timelines, and tree removal.
- For every large construction project, the agency or owner should provide a dedicated community liaison that can provide rapid response to issues. The oversight body should oversee communication to the wider community, through signage, regular meetings and other forms of outreach.
- A neighborhood-wide Community Construction Coordinator should be provided to 1) Liaise with all agencies and private developers undertaking construction in the neighborhood; 2) Develop and maintain data review and tracking of all ongoing construction; 3) Communicate information about ongoing construction to the public; and 4) Direct community requests to appropriate agencies for review

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 3:00 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Daniel Kaplan**
Zip: **11238**

I represent: • **A local business**

Details for "I Represent": **FXCollaborative**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
Good afternoon Chair Lago and Commissioners. I am Dan Kaplan FAIA, Senior Partner of FXCollaborative Architects, a 140-person Architectural, Urban Design and Interiors firm located in Downtown Brooklyn. I also am a Brooklyn resident and used to live on 5th Avenue, a block from the rezoning; my current apartment has a view of the Gowanus Basin. It is worth noting that FXCollaborative has looked in detail at several of the sites and we are currently engaged preparing zoning and massing studies on one of them. I am testifying in support of the proposed rezoning. My support is based on 3 virtues of proposal: 1. The rezoning will be a catalyst for much needed housing and desperately needed affordable housing. The Gowanus, with its access to transportation, proximity to amenities and central location is an ideal location for a reinvented, mixed-income neighborhood. Judging from inquiries and our work on various sites in the district, the cross-subsidy of market-rate and affordable housing really works here. If there were ever a location and scale that the MIH mechanism is designed for, this is it! 2. The Urban Design controls have been thoughtfully conceived and will create a varied, appropriately scaled massing. The most interesting + compelling aspect of the proposal is its in-between scale: neither brownstone nor tower, but something that combines the best of both. The massing controls avoid the tower-on-a-base paradigm, offering a 3-zone approach with street-oriented bases, transition zones and taller summits of varied heights. 3. The Waterfront Access plan, with its stress on connections to the canal, ample and varied open space and flood resiliency will produce a compelling and sustainable public realm, benefiting the residents themselves as well as upland neighbors. From a planning and urban design perspective, the proposal is the right scale, the right massing, the right mix of uses and the right approach to working with rising tides. I urge you to vote for this rezoning.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 2:06 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Lucy Koteen**
Zip: **11238**

- **Other**

I represent: Details for "I Represent": **Sierra Club**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
July 28, 2021 My name is Lucy Koteen testifying on behalf of the Sierra Club, a national environmental advocacy group with a citywide membership of 15,000 people. The New York City Group of the Sierra Club strongly opposes the Gowanus Neighborhood Rezoning. It is premature to discuss any rezoning until the clean up is completed and evaluated by the EPA. The process could not be more backwards. If the City is serious about placing housing here, there must first be a 100% clean up of these toxic lands including the completion of the Surperfund cleanup, the installation of the two retention tanks, review of the entire sewershed, and new sewers built that can handle the additional load. The city has said that the installation of the retention tanks will not take place until June 2029 and August 2030. Why is this being rushed through at least 9 years in advance of the installations? Furthermore, when the retention tank size was calculated it was only calculated to the current condition of CSOs and overflow, not to the conditions with all the new housing being built throughout the area by 2030. How can you know what the housing conditions will be in 2030? Noone planned for a pandemic and we see it has brought unpredictable consequences, including the need to adaptively repurpose buildings in the city. EPA Acting Regional Administrator, Walter Mugdan says EPA expects to provide comments on the draft Environmental Impact Statement (DEIS), identifying a number of inconsistencies in the presentation of wastewater and stormwater calculations. In addition the EPA has identified errors in other DEIS calculations. Watershed modeling relied on a 2008 model storm year. What is abundantly clear, is that much has changed in climate since 2008. In other words the city is working off of a severely flawed DEIS. The consequences of climate change have not been taken into account in the rezoning. The upshot of flawed modeling for the DEIS is that it must be redone or amended with the correct modeling. Disturbing to Sierra Club is the plan to place 950 units of low income housing and a school on Public Place which has been identified as being highly polluted with coal tar that will continue to migrate through the soil for many years. EPA senior project manager for the Gowanus Canal Superfund, Christos Tsiamis has questioned if this land can ever be remediated. This appears to be a Love Canal situation in the making that can clearly be avoided. If affordable housing is the goal then find a safe, non toxic place to build affordable housing. Find a site that is not likely to cause cancer and have other health impacts for children and others. Who will be held responsible when the lawsuits come in? The current administration will be long gone. It will be the taxpayers who will be paying out to those injured parties. Please vote No on this rezoning.

Annual Gowanus Artists Studio Tour, Inc DBA Arts Gowanus
540 President Street, Studio 16, Brooklyn, NY 11215-2802
848-225-7217; www.artsgowanus.org

To: Marisa Lago, Chair
New York City Planning Commission

Re: Testimony regarding Gowanus Neighborhood Plan

Wednesday, August 4, 2021

Dear Chairperson Lago,

Please accept the following written testimony as part of ULURP pertaining to the proposed citywide rezoning initiative known as the "Gowanus Neighborhood Plan."

I am the chairperson of the Board of Directors of Arts Gowanus and a working artist in the Gowanus community. For over 25-years, Arts Gowanus' nonprofit mission has been to support the creative artistic community in the greater Gowanus region. We are committed to assuring that artists will be appropriately supported through the rezoning process with long-term sustainable and affordable artist studio workspace.

Arts Gowanus is a proud member of the Gowanus Neighborhood Coalition for Justice (GNCJ). Our Coalition will not support the rezoning unless the top 3 demands of GNCJ are met including: full capital funding for local NYCHA developments; net zero CSOs; and the creation of the Gowanus Zoning Commitment Task Force to hold the city accountable after the rezoning.

I have read the detailed resolution from Community Board 6 and broadly support all of the requirements they have set forward.

I have had the pleasure of reviewing the 1600 pages of the Draft Environmental Impact Statement, including the Final Scope of Work. The term: "arts", "artist" and "arts-related" appears over 200 times in these documents. For example, in Chapter One of the DEIS (page 13) it states, "… former loft buildings have been reused and converted to space for artist studios, co-working, technology, media and design firms, and other newly emerging business sectors, **a trend that has led to property reinvestment and spurred employment growth"**.

Arts Gowanus has reviewed our data from our 2019 Open Studio event. Of approximately 330 participating artists 217 had an open studio either in the Rezoning Area or the buffer area of the DEIS study. These artists will be affected by the rezoning, but the Department of City Planning neither studied this important group or provides for any mitigation on how the rezoning will affect them. Please see the map included with this letter.

The vast majority of these people are self-employed cultural workers and should be given the same consideration as others employed in the neighborhood.

We acknowledge that the proposed zoning text includes the unique .3 FAR for the Gowanus Mix, but there is no requirement that developers take advantage of this bonus FAR and actually build out the space for the proposed user groups, which includes artist studio space. Nor is there any provision to assure that if this space is built that artists will be able to afford it and hence sustain the creative spirit of the neighborhood that the city states it so highly values.

These concerns should be addressed in the final resolution by making the .3 FAR for the Gowanus Mix mandatory and an appropriate percentage of this space should be limited to working artists and include a manner to subsidize these work spaces to assure artists can afford them.

Further, the user groups defined in the DEIS for the Gowanus Mix .3 FAR bonus includes both commercial and nonprofit art galleries. Commercial galleries are fundamentally commercial retail establishments, selling art rather than some other widget. Commercial galleries should not be included as a user group in the Gowanus Mix.

And so, will we permit this rezoning to affect artists, like they have always been affected before, in places like Williamsburg and Soho? It's time for a new and better way to assure our creative community can survive.

To that end, Arts Gowanus is negotiating with a group of developers that are planning to build in the neighborhood. Arts Gowanus is making progress on this negotiation, but are struggling to find a consensus that would provide the affordable and sustainable artist workspaces that are critically important to maintaining a creative community in Gowanus. This potential agreement is not yet realized.

If Arts Gowanus can achieve its goals with a fair agreement that adequately benefits artists, then, with the caveat's outlined by GNCJ and Community Board 6, Arts Gowanus supports this rezoning initiative and encourages our community of artists to do the same.

However, Arts Gowanus insists that the Borough President and the New York City Council not approve the Gowanus Neighborhood Plan without adequate protections for the creative community that helped make this neighborhood so valuable to the developers and viable for this rezoning initiative.

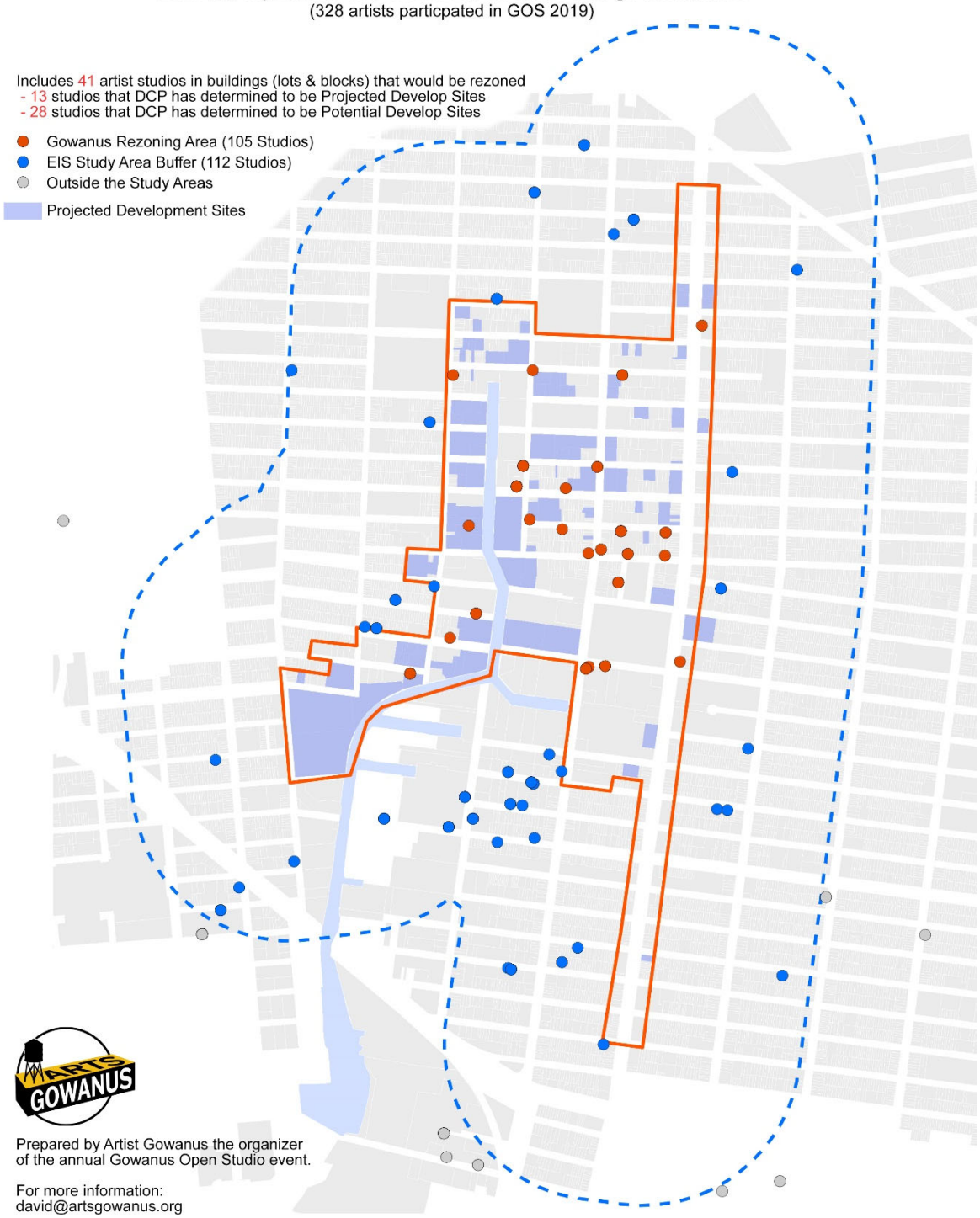
Yours sincerely,

David Kutz, Chair
Arts Gowanus

Location of Artists who participated in Gowanus Open Studio 2019

Each dot represents one or more artist studio at a given location.

(328 artists particpated in GOS 2019)



Prepared by Artist Gowanus the organizer
of the annual Gowanus Open Studio event.

For more information:
david@artsgowanus.org

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 5:55 PM
To: JKeller@planning.nyc.gov; KGlass@planning.nyc.gov; brooklyncomments_dl@planning.nyc.gov
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan
Attachments: 20210605_Gowanus 19DCP157K.pdf

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Parents Students MS51**
Zip: **11215**

I represent:
- **A local community group or organization**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
Thank you for the opportunity to submit the attached comments

19DCP157K_DL@planning.nyc.gov
Jo Anne Simon simonj@nyassembly.gov
infobkcb6@gmail.com
Senator Charles Schumer
Senator Kirsten Gillibrand
Yvette Clarke?
Brad Lander?
NY1?
MS51 – principal, parent coordinator, athletic league
Brooklyn paper

FAILURE TO FOLLOW THE UPDATED 2020 CEQR TECHNICAL MANUAL
https://www1.nyc.gov/site/oec/environmental-quality-review/technical-manual.page
The DEIS is deficient because several analyses were performed in accordance with the 2014 CEQR Technical Manual. The Mayor's Office of Environmental Coordination's website states: *"The updated CEQR Technical Manual (2020 Edition) should be used as guidance for any environmental review commenced on or after December 24, 2020."* The DEIS must be updated and reissued accordingly.

FAILURE TO DISCLOSE UNMITIGATED SIGNIFICANT ADVERSE IMPACTS

UNDISCLOSED SIGNIFICANT ADVERSE IMPACTS – SHADOWS, OPEN SPACE, AND PUBLIC HEALTH
https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/gowanus/06-deis.pdf

J.J. BYRNE PLAYGROUND & WASHINGTON PARK
The shadows analysis determined that J.J. Byrne Playground and the adjacent Washington Park would be immersed in dark shadow throughout the year from roughly 3pm–6pm due to the Proposed Project. It erroneously concludes these impacts would not be significant or adverse because sunlight would remain at other times of the day. This is entirely contradictory to the earlier statement per CEQR: "*Determining whether this impact is significant or not depends on the extent and duration of the incremental shadow and the specific context in which the impact occurs"* (p 6-6). The analysis includes a complete and utter lack of context for J.J. Byrne Playground and Washington Park. These parks are the centerpiece of the neighborhood and are used daily and intensely by the children of Gowanus, Park Slope, and surrounding neighborhoods for after-school play – precisely the hours during which the Proposed Project would rob these precious resources of their sunlight and their ability to continue to function as sun-sensitive open spaces. Public Middle School 51 (MS51) is directly adjacent to these parks. More than 1,100 sixth to eight graders rely on these open spaces for the only sunlight they receive in their day. Thousands more children from nearby schools and daycares and camps also depend on these two open spaces for athletic leagues, group play, field trips, concerts, picnics, birthday parties, and more.

Furthermore, the analysis hides behind a deceptive and manipulative claim that "*Users looking for relief from the summer sun and heat in the late afternoon would find respite in the areas temporarily affected by incremental shadows"* (p 6-18). This perverse statement reveals a frightening attempt to characterize sunlight as an undesirable commodity that the developers will generously remove, instead of meeting

the spirit of CEQR by objectively assessing the negative impacts of new shadows. This is not simply an impact of shadows—it is also an impact to open space and public health (mental and physical).

The shadows and open space analyses also fail to acknowledge the history of these two parks—whose sunlight-dependent design renovations were promised to the Gowanus and Park Slope communities as mitigation for the prior Fourth Avenue rezoning and construction of the high-rise Novo condominium building at 343 Fourth Avenue. The City and Boymelgreen Developers' egregious agreement to use of portions of the park as a private construction staging area more than a decade ago was presented to the neighborhood as short-term pain and deprivation in exchange for the community's long-term enjoyment of a $1.6 million sunshine-filled modernized open space in perpetuity. Essentially, this new proposed action will render null and void a mitigation measure previously implemented to compensate for a separate rezoning and redevelopment impact in the same location.

The DEIS must be revised and reissued to properly disclose the Proposed Project's unmitigated significant adverse impact to J.J. Byrne Playground and Washington Park due to new project-generated shadows and its unmitigated significant adverse impact to open space and public health.

GIL HODGES COMMUNITY GARDEN

Gowanus is a vegetation desert. The lack of trees and resulting effects on air quality are noticeable as one walks from the adjacent leafier neighborhoods towards Gowanus. Gil Hodges Community Garden is one of the rare open spaces with trees, which the Proposed Project will kill. The garden is a particularly special community resource due in part to its calming and contemplative location next to the church and P.S. 372 The Children's School, an inclusionary school serving special-needs children.

Page 6-6 of the DEIS correctly notes that a significant shadows impact to vegetation results if more than 10 minutes of incremental shadow, and notes the following for vegetation impacts: "*In the growing season, 4 to 6 hours a day of sunlight is a minimum requirement.*" The analysis then proceeds to conclude that the tree-filled areas of the Gil Hodges Community Garden would receive only 3.5 hours of sunlight during certain times of the year. It fails to disclose the Proposed Project's unmitigated significant adverse impact to this community garden due to shadows. **The DEIS must be revised and reissued to disclose the unmitigated significant adverse impact to the Gil Hodges Community Garden in both the shadows and open space analyses.**

UNDISCLOSED SIGNIFICANT ADVERSE IMPACTS – COMMUNITY FACILITIES

The DEIS fails to disclose the unmitigated significant adverse impact to public elementary schools. It does so by artificially reducing the future utilization rate of Subdistrict 3/CSD 15 elementary schools through the disingenuous assumption of a new project-generated "potential" school on Block 471. Children do not learn in "potential" schools. This in a non-committal hypothetical school building that, if ever properly included and approved as part of the Proposed Project, would be deemed dead-on-arrival because of its suggested location on a former Citizens Gas Works manufactured gas plant site. The toxic vapors and serious health hazards would be above the NYS Department of Environmental Conservation standards, similar to the vapor-intrusion tragedy resulting from the hasty rezoning at Gowanus's P.S. 118. The DEIS also fails to disclose the unmitigated significant adverse effect to four libraries—the Carroll Gardens Branch, the Pacific Branch, the Park Slope Branch, and the Red Hook Branch. **The DEIS must be revised and reissued to clearly disclose the unmitigated significant adverse impact to**

community facilities—including Subdistrict 3/CSD15 elementary schools and the libraries (Carroll Gardens Branch, Pacific Branch, Park Slope Branch, and Red Hook Branch).

FAILURE TO PROPERLY NOTICE PUBLIC HEARING DATE AND COMMENT PERIOD END DATE

The public has repeatedly been referred to several nyc.gov City Planning websites to remain apprised of the project, the DEIS, the anticipated public hearing date, and the comment period end date. These websites were not (and have still not) been updated, and instead misleadingly state: *"A public hearing on the DEIS will be held at a later date to be announced. Advanced notice will be given of the time and place of the hearing."* Input from thousands of residents, businesses, and school community members have not been received because of this failure to properly notify the public of these two key dates. See Exhibit A for screenshots as of June 5, 2021. **Therefore, a second public hearing on the DEIS must be held to properly meet the requirements and spirit of CEQR and public review.**

EXHIBIT A – FAILURE TO PROPERLY NOTICE PUBLIC HEARING DATE AND COMMENT PERIOD END DATE

Exhibit A.1 - NYC Planning Gowanus Neighborhood Rezoning – Environmental Impact Statement
https://www1.nyc.gov/site/planning/applicants/env-review/gowanus.page
Accessed 6/5/2021, 8:17AM
Misleading statement *"A public hearing on the DEIS will be held at a later date to be announced. Advanced notice will be given of the time and place of the hearing."* No mention of 6/3/2021 public hearing or comment period end date.

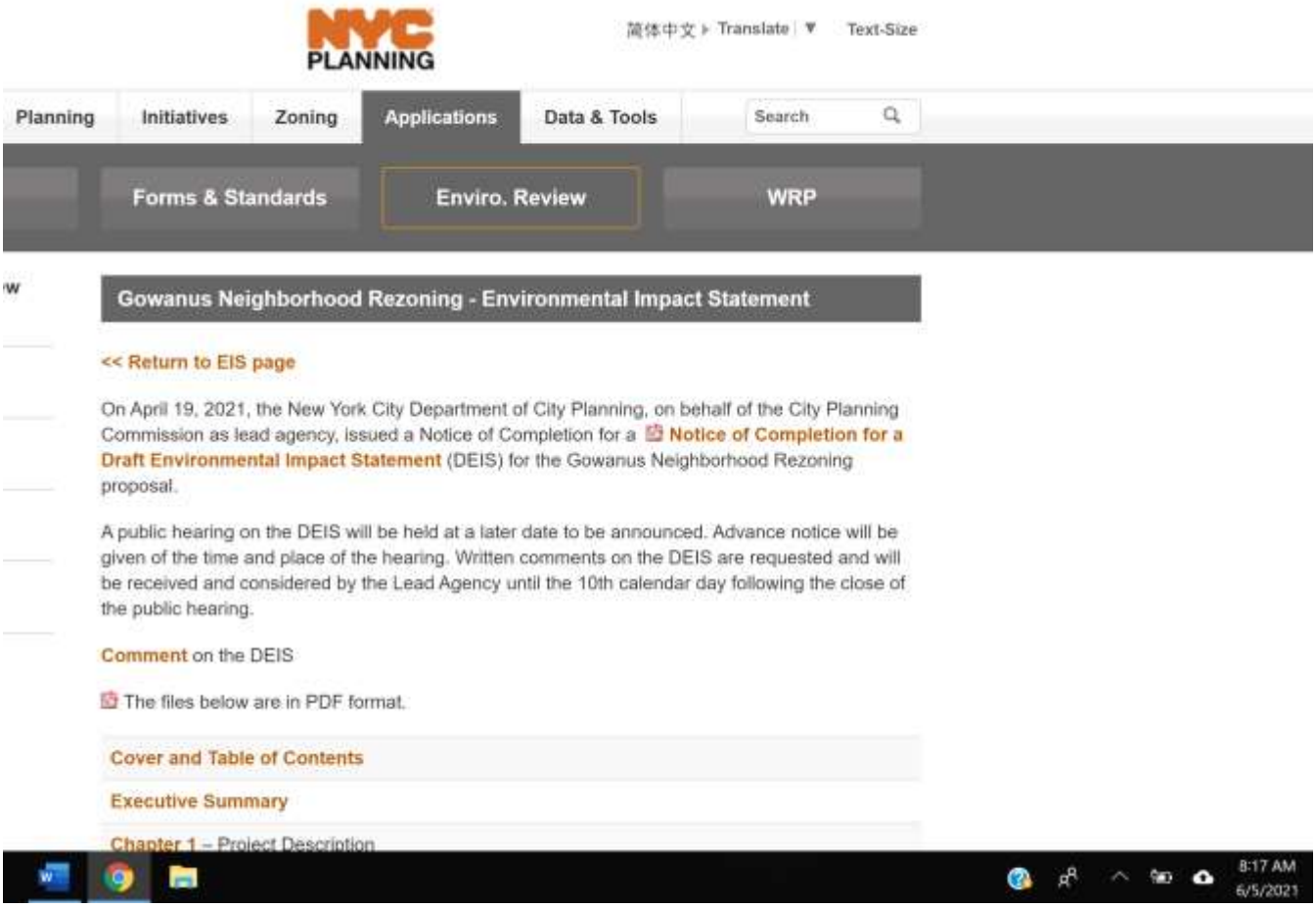


Exhibit A.2 – Brooklyn Community Board 6
https://www1.nyc.gov/site/brooklyncb6/index.page

Accessed 6/5/2021, 8:17AM
Home page prominently shows NYCDCP language “hearing will be held at a later date to be announced.”



Exhibit A.3 - NYC Planning Gowanus Neighborhood Plan
https://www1.nyc.gov/site/planning/plans/gowanus/gowanus-framework.page
Accessed 6/5/2021, 8:12AM
Misleading statement *“The draft Gowanus rezoning proposal is expected to enter public review in January 2021.”* No mention of 6/3/2021 public hearing or comment period end date.



FAILURE TO FOLLOW THE UPDATED 2020 CEQR TECHNICAL MANUAL

https://www1.nyc.gov/site/oec/environmental-quality-review/technical-manual.page

The DEIS is deficient because several analyses were performed in accordance with the 2014 CEQR Technical Manual. The Mayor's Office of Environmental Coordination's website states: *"The updated CEQR Technical Manual (2020 Edition) should be used as guidance for any environmental review commenced on or after December 24, 2020."* The DEIS must be updated and reissued accordingly.

FAILURE TO DISCLOSE UNMITIGATED SIGNIFICANT ADVERSE IMPACTS

UNDISCLOSED SIGNIFICANT ADVERSE IMPACTS – SHADOWS, OPEN SPACE, AND PUBLIC HEALTH

https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/gowanus/06-deis.pdf

J.J. BYRNE PLAYGROUND & WASHINGTON PARK

The shadows analysis determined that J.J. Byrne Playground and the adjacent Washington Park would be immersed in dark shadow throughout the year from roughly 3pm–6pm due to the Proposed Project. It erroneously concludes these impacts would not be significant or adverse because sunlight would remain at other times of the day. This is entirely contradictory to the earlier statement per CEQR: *"Determining whether this impact is significant or not depends on the extent and duration of the incremental shadow and the specific context in which the impact occurs"* (p 6-6). The analysis includes a complete and utter lack of context for J.J. Byrne Playground and Washington Park. These parks are the centerpiece of the neighborhood and are used daily and intensely by the children of Gowanus, Park Slope, and surrounding neighborhoods for after-school play – precisely the hours during which the Proposed Project would rob these precious resources of their sunlight and their ability to continue to function as sun-sensitive open spaces. Public Middle School 51 (MS51) is directly adjacent to these parks. More than 1,100 sixth to eight graders rely on these open spaces for the only sunlight they receive in their day. Thousands more children from nearby schools and daycares and camps also depend on these two open spaces for athletic leagues, group play, field trips, concerts, picnics, birthday parties, and more.

Furthermore, the analysis hides behind a deceptive and manipulative claim that *"Users looking for relief from the summer sun and heat in the late afternoon would find respite in the areas temporarily affected by incremental shadows"* (p 6-18). This perverse statement reveals a frightening attempt to characterize sunlight as an undesirable commodity that the developers will generously remove, instead of meeting the spirit of CEQR by objectively assessing the negative impacts of new shadows. This is not simply an impact of shadows—it is also an impact to open space and public health (mental and physical).

The shadows and open space analyses also fail to acknowledge the history of these two parks—whose sunlight-dependent design renovations were promised to the Gowanus and Park Slope communities as mitigation for the prior Fourth Avenue rezoning and construction of the high-rise Novo condominium building at 343 Fourth Avenue. The City and Boymelgreen Developers' egregious agreement to use of portions of the park as a private construction staging area more than a decade ago was presented to the neighborhood as short-term pain and deprivation in exchange for the community's long-term enjoyment of a $1.6 million sunshine-filled modernized open space in perpetuity. Essentially, this new proposed action will render null and void a mitigation measure previously implemented to compensate for a separate rezoning and redevelopment impact in the same location.

The DEIS must be revised and reissued to properly disclose the Proposed Project's unmitigated significant adverse impact to J.J. Byrne Playground and Washington Park due to new project-generated shadows and its unmitigated significant adverse impact to open space and public health.

GIL HODGES COMMUNITY GARDEN

Gowanus is a vegetation desert. The lack of trees and resulting effects on air quality are noticeable as one walks from the adjacent leafier neighborhoods towards Gowanus. Gil Hodges Community Garden is one of the rare open spaces with trees, which the Proposed Project will kill. The garden is a particularly special community resource due in part to its calming and contemplative location next to the church and P.S. 372 The Children's School, an inclusionary school serving special-needs children.

Page 6-6 of the DEIS correctly notes that a significant shadows impact to vegetation results if more than 10 minutes of incremental shadow, and notes the following for vegetation impacts: *"In the growing season, 4 to 6 hours a day of sunlight is a minimum requirement."* The analysis then proceeds to conclude that the tree-filled areas of the Gil Hodges Community Garden would receive only 3.5 hours of sunlight during certain times of the year. It fails to disclose the Proposed Project's unmitigated significant adverse impact to this community garden due to shadows. **The DEIS must be revised and reissued to disclose the unmitigated significant adverse impact to the Gil Hodges Community Garden in both the shadows and open space analyses.**

UNDISCLOSED SIGNIFICANT ADVERSE IMPACTS – COMMUNITY FACILITIES

The DEIS fails to disclose the unmitigated significant adverse impact to public elementary schools. It does so by artificially reducing the future utilization rate of Subdistrict 3/CSD 15 elementary schools through the disingenuous assumption of a new project-generated "potential" school on Block 471. Children do not learn in "potential" schools. This in a non-committal hypothetical school building that, if ever properly included and approved as part of the Proposed Project, would be deemed dead-on-arrival because of its suggested location on a former Citizens Gas Works manufactured gas plant site. The toxic vapors and serious health hazards would be above the NYS Department of Environmental Conservation standards, similar to the vapor-intrusion tragedy resulting from the hasty rezoning at Gowanus's P.S. 118. The DEIS also fails to disclose the unmitigated significant adverse effect to four libraries—the Carroll Gardens Branch, the Pacific Branch, the Park Slope Branch, and the Red Hook Branch. **The DEIS must be revised and reissued to clearly disclose the unmitigated significant adverse impact to community facilities—including Subdistrict 3/CSD15 elementary schools and the libraries (Carroll Gardens Branch, Pacific Branch, Park Slope Branch, and Red Hook Branch).**

FAILURE TO PROPERLY NOTICE PUBLIC HEARING DATE AND COMMENT PERIOD END DATE

The public has repeatedly been referred to several nyc.gov City Planning websites to remain apprised of the project, the DEIS, the anticipated public hearing date, and the comment period end date. These websites were not (and have still not) been updated, and instead misleadingly state: *"A public hearing on the DEIS will be held at a later date to be announced. Advanced notice will be given of the time and place of the hearing."* Input from thousands of residents, businesses, and school community members have not been received because of this failure to properly notify the public of these two key dates. See Exhibit A for screenshots as of June 5, 2021. **Therefore, a second public hearing on the DEIS must be held to properly meet the requirements and spirit of CEQR and public review.**

EXHIBIT A – FAILURE TO PROPERLY NOTICE PUBLIC HEARING DATE AND COMMENT PERIOD END DATE

Exhibit A.1 - NYC Planning Gowanus Neighborhood Rezoning – Environmental Impact Statement
https://www1.nyc.gov/site/planning/applicants/env-review/gowanus.page
Accessed 6/5/2021, 8:17AM
Misleading statement *"A public hearing on the DEIS will be held at a later date to be announced. Advanced notice will be given of the time and place of the hearing."* No mention of 6/3/2021 public hearing or comment period end date.

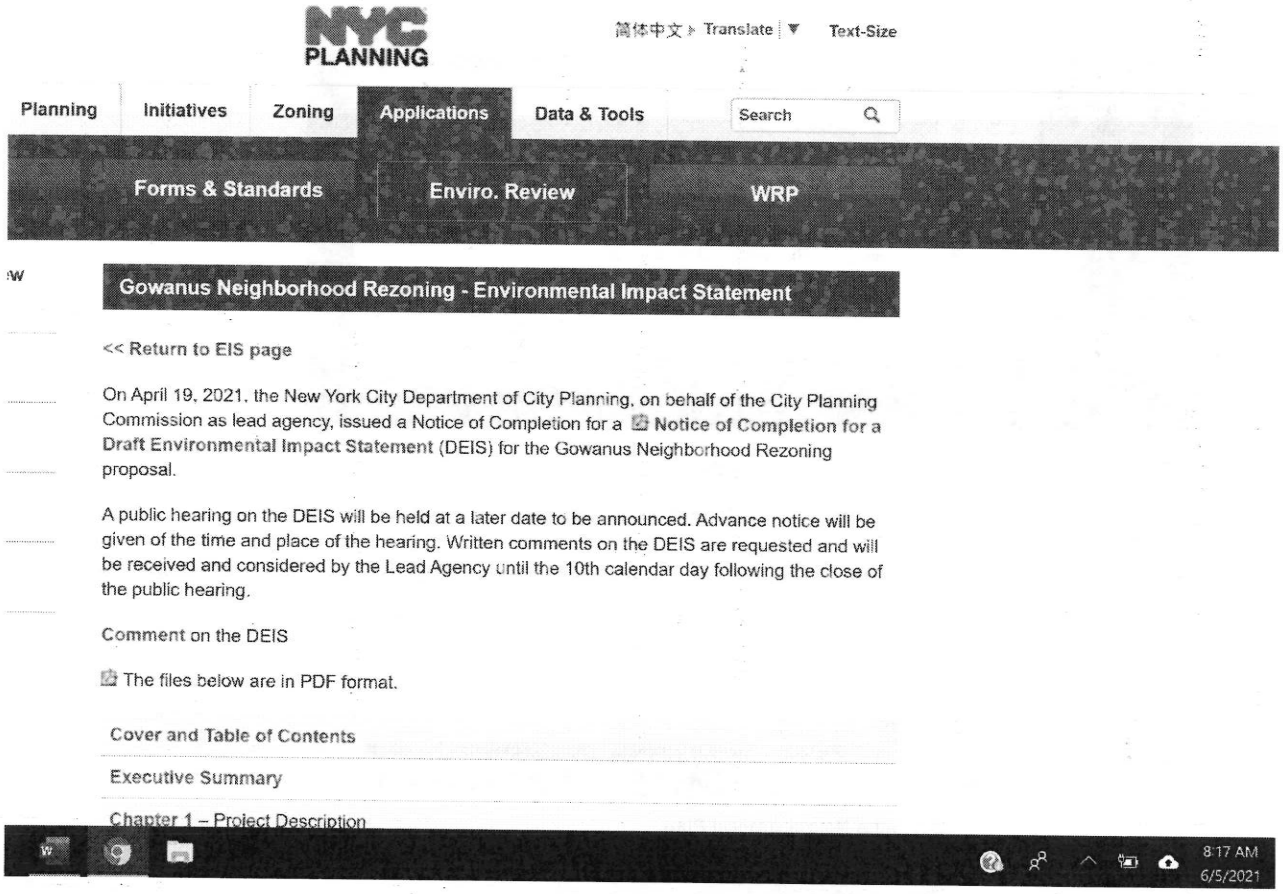


Exhibit A.2 – Brooklyn Community Board 6
https://www1.nyc.gov/site/brooklyncb6/index.page

Accessed 6/5/2021, 8:17AM
Home page prominently shows NYCDCP language "hearing will be held at a later date to be announced."

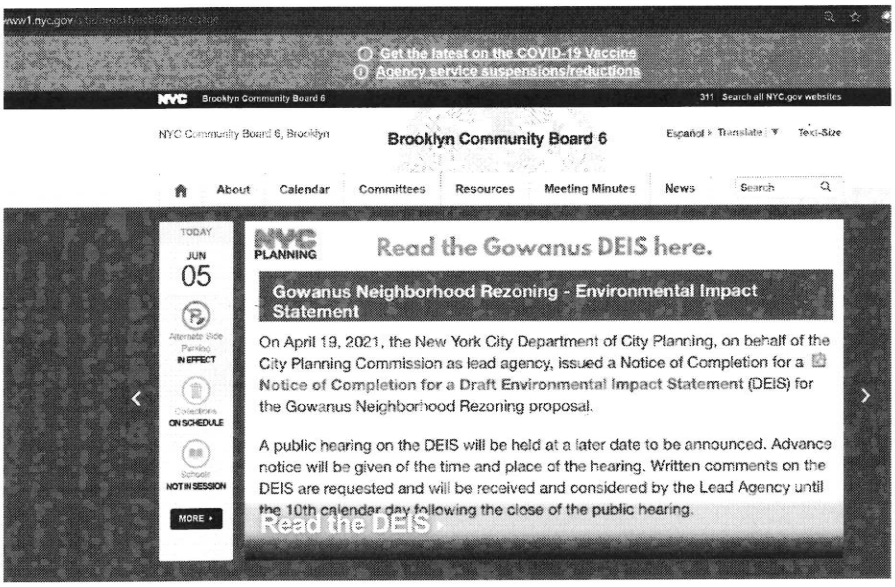
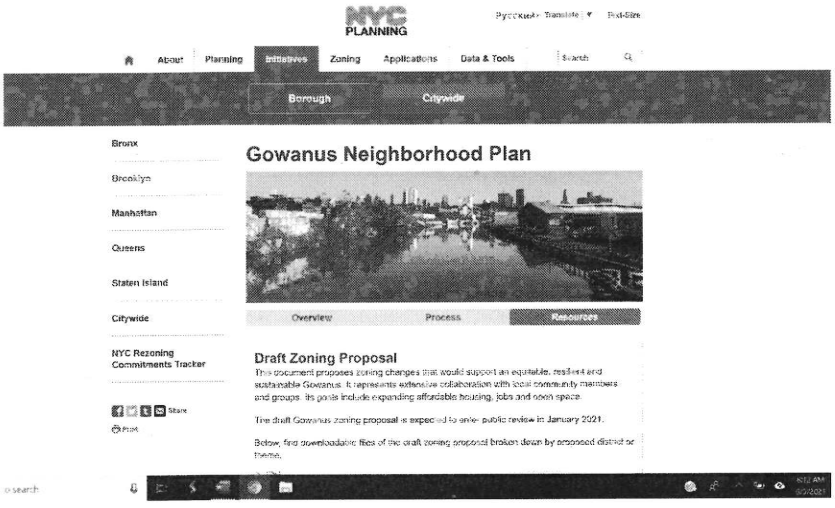


Exhibit A.3 - NYC Planning Gowanus Neighborhood Plan
https://www1.nyc.gov/site/planning/plans/gowanus/gowanus-framework.page
Accessed 6/5/2021, 8:12AM
Misleading statement *"The draft Gowanus rezoning proposal is expected to enter public review in January 2021."* No mention of 6/3/2021 public hearing or comment period end date.



In Opposition to Gowanus Neighborhood Rezoning Plan C 210177 ZMK N 210178 ZRK C 210052 HAK C 210053 PPK C 210179 MMK C 210180 MMK

July 28th, 2021

Chair Lago and Commissioners,

Preserve Our Brooklyn Neighborhoods is a member of Voice of Gowanus, a coalition of community groups, concerned citizens and small business owners who have come together to fight for a just and sustainable future for Gowanus. Founders of our coalition include environmental activists who were instrumental in the successful campaign to list the Gowanus Canal as a Superfund site. We are deeply committed to safeguarding the health and safety of current and future residents, and to working to counteract the decades of Environmental Injustice that has so deeply harmed our neighborhood. This longstanding and ongoing abuse of the Gowanus Canal and its environs—one of the most polluted navigable waterways of the United States of America—has led to serious and compounding health and safety impacts for our community, including the 10,000 residents in public housing.

The 82-block rezoning area lies substantially in a FEMA Flood Zone A that experienced severe flooding during Hurricane Sandy, including at the Gowanus Houses NYCHA campus. The rezone area also includes 133 documented toxic sites, including multiple manufactured gas plant sites. The City's own sea level rise projections show that future storm events will increase flood risk and the risk of toxic exposure. The rezoning also includes a plan to build affordable housing for low income and homeless families and a school on a piece of land known as Public Place that is deeply contaminated with coal tar, BTEX, and hydrocarbons, and would need to be monitored for toxic vapors in perpetuity. A senior EPA engineer and project manager of the Gowanus Canal Superfund has raised grave concerns in public comments about the inadequate toxic remediation planned for this site.

Given these and other facts and what the law prescribes, the community has been advocating for months to have relevant federal agencies, including EPA, FEMA, HUD and the Army Corps of Engineers, identify themselves as "Involved Agencies" under the State Environmental Quality Review Act (SEQRA), and "Cooperating Agencies" under the National Environmental Policy Act (NEPA) so that their scientific expertise could be brought to bear on the draft Environmental Impact Statement for Gowanus. Our Congresswoman Nydia Velazquez has joined the community in pushing for the full involvement of federal agencies, and earlier this month, EPA revealed to Congresswoman Velazquez that they have indeed identified flaws, errors, and inconsistencies in the water modeling used by the City in the Gowanus DEIS before you today. This water modeling is fundamental to understanding how new development projects will impact the federally mandated clean-up of the Gowanus Canal, compliance with the Clean Water Act, compliance with the Rivers and Harbors Act, and the increasing risk of flooding and toxic exposure for the community at large due to climate change, especially those in low-lying legacy buildings, such at the Gowanus Houses NYCHA Campus, which flooded during Hurricane Sandy.

The current DEIS simply does not meet the minimum due process requirements for environmental impact review. We ask that you set aside your particular policy positions on development, housing, job creation, and a host of other important issues that proponents of the rezoning will cite, and consider that even if you are in favor of this action, the rezoning will be at significant legal risk unless the EIS satisfies the requirements of state and federal statutes.

Without a legally sufficient DEIS, you have not been given the impact analysis that would allow you to properly assess this zoning action. As such, we strongly urge you to vote your conscience and to vote *for* due process and transparency by voting **NO** on the Gowanus Neighborhood Plan.

Thank you.

Sandy Reiburn
100 South Elliott Place
Brooklyn, NY 11217



www.VoiceofGowanus.org

July 28, 2021

CPC Public Hearing Testimony on the Gowanus Neighborhood Plan

Chair Lago and Commissioners,

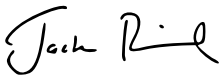
Thank you for the opportunity to address you today. I am a member of Voice of Gowanus, a coalition of community groups, concerned citizens and small business owners who have come together to fight for a just and sustainable future for Gowanus. Founders of our coalition include environmental activists who were instrumental in the successful campaign to list the Gowanus Canal as a Superfund site. We are deeply committed to safeguarding the health and safety of current and future residents, and to working to counteract the decades of Environmental Injustice that has so deeply harmed our neighborhood. This longstanding and ongoing abuse of the Gowanus Canal and its environs—one of the most polluted navigable waterways of the United States of America—has led to serious and compounding health and safety impacts for our community, including the 10,000 residents in public housing.

The 82-block rezoning area lies substantially in a FEMA Flood Zone A that experienced severe flooding during Hurricane Sandy, including at the Gowanus Houses NYCHA campus. The rezone area also includes 133 documented toxic sites, including multiple manufactured gas plant sites. The City's own sea level rise projections show that future storm events will increase flood risk and the risk of toxic exposure. The rezoning also includes a plan to build affordable housing for low income and homeless families and a school on a piece of land known as Public Place that is deeply contaminated with coal tar, BTEX, and hydrocarbons, and would need to be monitored for toxic vapors in perpetuity. A senior EPA engineer and project manager of the Gowanus Canal Superfund has raised grave concerns in public comments about the inadequate toxic remediation planned for this site.

Given these and other facts and what the law prescribes, the community has been advocating for months to have relevant federal agencies, including EPA, FEMA, HUD and the Army Corps of Engineers, identify themselves as "Involved Agencies" under the State Environmental Quality Review Act (SEQRA), and "Cooperating Agencies" under the National Environmental Policy Act (NEPA) so that their scientific expertise could be brought to bear on the draft Environmental Impact Statement for Gowanus. Our Congresswoman Nydia Velazquez has joined the community in pushing for the full involvement of federal agencies, and earlier this month, EPA

revealed to Congresswoman Velazquez that they have indeed identified flaws, errors, and inconsistencies in the water modeling used by the City in the Gowanus DEIS before you today. This water modeling is fundamental to understanding how new development projects will impact the federally mandated clean-up of the Gowanus Canal, compliance with the Clean Water Act, compliance with the Rivers and Harbors Act, and the increasing risk of flooding and toxic exposure for the community at large due to climate change, especially those in low-lying legacy buildings, such at the Gowanus Houses NYCHA Campus, which flooded during Hurricane Sandy.

The current DEIS simply does not meet the minimum due process requirements for environmental impact review. We ask that you set aside your particular policy positions on development, housing, job creation, and a host of other important issues that proponents of the rezoning will cite, and consider that even if you are in favor of this action, the rezoning will be at significant legal risk unless the EIS satisfies the requirements of state and federal statutes. Without a legally sufficient DEIS, you have not been given the impact analysis that would allow you to properly assess this zoning action. As such, we strongly urge you to vote your conscience and to vote *for* due process and transparency by voting **NO** on the Gowanus Neighborhood Plan.



Jack Riccobono
Co-Chair, Outreach Committee
Voice of Gowanus

Chair
ELIZABETH VELEZ*

Vice Chairs
LOUIS J. COLETTI*
CHERYL MCKISSACK DANIEL*
PETER DIMAGGIO*
SABRINA KANNER *
GREGORY A. KELLY*
RICHARD KENNEDY *
ELI R. KHOURY*
GARY LaBARBERA*
ANTHONY MANNARINO*
CHARLES F. MURPHY*
EDWARD V. PICCINICH*
FRANCES A. RESHESKE*
JONATHAN D. RESNICK*

President & CEO
CARLO A. SCISSURA*

Treasurer
CYRUS J. IZZO*

Secretary
CARL GALIOTO*

General Counsel
MICHAEL S. ZETLIN*

Past Chair
MILO E. RIVERSO*

Directors
JOSEPH J. ALIOTTA
FRANKLIN R. ALVARADO
VINCENT ALVAREZ
CHARLES AVOLIO
LYNNE P. BROWN
ANDREW CATAPANO
RICHARD CAVALLARO
VICTORIA J. CERAMI
EDWIN CHRISTIAN
RALPH J. ESPOSITO*
JOHN J. GILBERT III
DAVID M. GREENBERG
SHARON GREENBERGER
MAUREEN A. HENEGAN
JOSEPH A. IENUSO
JERRY JANNETTI
MARIAN KLEIN
JOSEPH KRAJCZEWSKI
JILL N. LERNER
GEORGE E. LEVENTIS
JEFFREY E. LEVINE
ANTHONY E. MANN
PETER A. MARCHETTO
VICKI MATCH SUNA
CHRIS McCARTIN
JOSEPH G. MIZZI
RICHARD T. MONOPOLI
TERRENCE E. O'NEAL
PATRICIA ORNST
RAYMOND M. POCINO
TODD RECHLER
MICHAEL F. RUSSO
TOM SCERBO
SCOTT SELTZ
EHAB SHEHATA
MITCHEL W. SIMPLER
STEVEN SOMMER
MARILISA STIGLIANO
MICHAEL J. SWEENEY
ELISE WAGNER
IRIS WEINSHALL
ELI ZAMEK
**Executive Committee Member*

Directors Emeriti
RICHARD T. ANDERSON
AINE M. BRAZIL
RAYMOND P. DADDAZIO
JOHN M. DIONISIO
MARY–JEAN EASTMAN
PETER GOETZ
STUART E. GRAHAM
SUSAN L. HAYES
THOMAS IOVINO
JEFFREY M. LEVY
JOHN V. MAGLIANO
WILLIAM A. MARINO
MYSORE L. NAGARAJA
ROBERT S. PECKAR
LAWRENCE P. ROMAN
THOMAS Z. SCARANGELLO
ANTHONY P. SCHIRRIPA
FRANK J. SCIAME
ROBERT E. SELSAM
DOMINICK M. SERVEDIO
MARILYN JORDAN TAYLOR
DANIEL R. TISHMAN
RICHARD L. TOMASETTI

NEW YORK BUILDING CONGRESS 100 YEARS

July 28, 2021

TESTIMONY TO THE NEW YORK CITY PLANNING COMMISSION REGARDING THE GOWANUS NEIGHBORHOOD PLAN, CEQR #19DCP157K

To the Commissioners of the City Planning Commission, the New York Building Congress is pleased to testify in support for the Gowanus Neighborhood Plan (Gowanus Plan) for Brooklyn and the need to rezone this neighborhood into a model for sustainable development in New York City.

Neighborhood-wide rezoning's have the potential to change the course of a community for generations to come. They have a deeply meaningful impact for the residents of today and those to come following their approval. Of course, writing the next chapter of a community and how it will evolve is a delicate balancing act that requires a willingness to listen, collaborate and advance a shared vision for the future. As such, the Building Congress applauds your office, the de Blasio administration, Council Member Brad Lander, Brooklyn Community Board 6 and the hundreds of community stakeholders who persevered for more than a decade to continue to advance this plan. Today, after years of listening and planning, the Gowanus Plan is primed to become a reality.

For the last 100 years, the New York Building Congress has advocated for infrastructure investment, pursued job creation and promoted preservation and growth in the New York region. As outlined in our 2021 Policy Agenda, we believe the City must pursue rezoning's in a strategic manner, ensure that these efforts promote the growth of livable neighborhoods, invest in critical infrastructure, encourage economic development, support good-paying jobs and create housing stock for all income levels. With buildable land becoming scarcer and the need to accommodate growth a key ingredient to our success, the City must take advantage of rezoning efforts in neighborhoods that have tremendous potential for increased density, are transit rich, are near essential services and in neighborhoods where we can promote equity and economic integration. The Gowanus neighborhood meets all these requirements and is well positioned to advance numerous important policy goals.

Dating back to its construction in the mid-19th century, the Gowanus Canal and upland areas were a working industrial waterfront and hub for shipping and manufacturing due to its proximity to the New York Harbor. With this concentration of industrial and commercial activity, including a gas manufacturing plant, Gowanus was bustling with economic activity. Following the end of World War II, however, the decline in shipping activity in Brooklyn, and manufacturing in New York at-large, led to a mass exodus of companies and thus to a general decline of the neighborhood. Additionally, the Canal was no longer dredged regularly due to increased costs and a flushing station went abandoned for over thirty years. Decades of industrial use and frequently overwhelmed combined sewage outflows left nearby land significantly contaminated and the canal severely polluted. By the late 1990's, the Gowanus Canal was better known as a toxin-filled wasteland instead of a former economic engine.

The U.S. Environmental Protection Agency designated the Canal a Superfund site in 2010. That became a catalyst for members of the community and city, state and federal leadership to develop a shared vision for Gowanus's future. Since the late 2000's, the Department of City Planning and relevant City agencies, in concert with community stakeholders, have developed specific recommendations to meet their needs across housing, arts and culture, sustainability and resiliency, small businesses and economic development and open space.

Many iterations of a plan for the neighborhood have been brought forth, but none have achieved as much consensus as the one we have today. Now, the City of New York and Gowanus residents have a tremendous opportunity to write a new chapter for the neighborhood, draw upon its rich history to attract new job-creating industries and repurpose the Canal for the enjoyment of generations to come.

The Building Congress is excited to see that after decades of conversations, including in-depth and inclusive community planning exercises, the Gowanus Plan is positioned to deliver significant investments. We support the Plan as it seeks to tackle the housing crisis, which has been made only worse from the COVID-19 pandemic, by potentially creating approximately 8,200 apartments, 3,000 of which would be permanently affordable at no cost to the City with the implementation of Mandatory Inclusionary Housing; a new school for local families; more than one acre of open space and a new esplanade along the Canal; a clean and safe canal for waterborne activities; and new commercial spaces, all of which are expected to generate thousands of temporary construction and permanent jobs in the process. Additionally, the City has demonstrated its commitment to the community by moving forward with the first affordable mixed-income, mixed-use development, Gowanus Green, which will feature 950 units of 100-percent affordable and supportive housing, including residences for individuals with a history of homeless, senior citizens and low-income New Yorkers.

This project will also be a lifeline to New York City's building industry, which before March 2020 was thriving and a main contributor of jobs and revenue for our economy. A recent report by State Comptroller Tom DiNapoli found our industry was the fastest-growing sector from 2011 to 2019, with a 43.5-percent jump in jobs. All of that was brought to a grinding halt, however, when the pandemic began. As the City emerges from the economic struggles of the past year, initiatives like the Gowanus Plan, including Gowanus Green, help unlock public and private capital, replenishes the construction pipeline and delivers important community benefits.

Additionally, we have seen new private developments erected and industrial warehouses adaptively reused for artist studios, offices and small-scale manufacturing. Proper long-term planning is best done, however, when government proactively collaborates with the community and all the resources available through the public sector are brought to bear to address generational needs that the private cannot deliver alone. Outdated zoning has prohibited the expansion of more job-creating uses, much so that some users have elected to even operate nonconforming uses in the neighborhood in spite of regulations that prohibit those activities. Also, strong demand for housing citywide has had an acute impact locally by pushing up prices on the limited supply and thus displacing lower-income households. And while NYCHA's 1,137-unit Gowanus Houses is a foundation of affordability for families, it is in dire need of repairs in the tens of millions of dollars. All are concrete examples signaling the need for meaningful government action.

Last, recent trends demonstrate a significant benefit to developing communities where people can live close to their place of work and be within walking distance of necessary amenities. With nearby central business districts such as Downtown Brooklyn and Lower Manhattan, Gowanus has emerged as a strong employment nexus for workers, with the number of jobs and businesses growing in the neighborhood by 72-percent and 73-percent, respectively, between 2000 and 2016. The need for housing, however, has long outpaced supply. Over time, the construction of thousands of units of housing, at a variety of income levels, will help meet this need and bring a considerable density and variety of amenities for both long-time residents and newcomers alike. Most importantly, this rezoning is one of the first to meet fair housing standards because it is positioned near a more affluent neighborhood than past efforts and is focused in a generally industrial area with large underused or vacant sites, particularly along the waterfront.

In closing, as we emerge from the COVID-19 pandemic, the Building Congress believes that pursuing smart growth strategies that seek to foster equity and inclusion, while simultaneously addressed long-standing needs, are a recipe for success. They will provide both immediate and long-term benefits for residents and for our city and state economies. By working together, community stakeholders and local leaders have demonstrated that we achieve much when we listen intently, consider multiple viewpoints and position the long-term needs of a neighborhood as their guiding light. The



Gowanus Plan has done just that and will help create thousands of temporary and permanent jobs and inject hundreds of millions of dollars into the broader economy in the years ahead – a boost to the city precisely when it needs it most. While the private sector can be a strong catalyst for growth, the public sector must play a key, guiding role in getting New York back on the road to recovery – toward a better and healthier future. More than ever, the public and private sectors must come together and invest in the next generation of housing, infrastructure and public spaces. The Gowanus Plan and all its benefits provides us all with hope that best days of New York are ahead of us. As such, the Building Congress urges you to vote in support of its passage.

Thank you.



From: Doug Sarno <doug@forumfg.com>
Sent: Wednesday, August 4, 2021 11:39
To: 19DCP157K_DL <19DCP157K_DL@planning.nyc.gov>
Subject: 19DCP157K - Comments on the DEIS

To whom it may concern:

In our comments for the DEIS, The Gowanus Canal CAG notes that it has provided extensive comments on these issues to various parties previously and is hereby formally submitted the following three existing resolutions as comments on the DEIS. Each of these resolutions are each attached here as a pdf.

1). 5/31/2019. Further coordination between NYCDCP and NYCDEP to address additional loading of contaminated CSO solids as a result of the proposed rezoning in order to protect the Superfund Remedy

2) 11/9/2020 Support of EPA Oct 27, 2020 Letter addressed to NYC Department of City Planning (DCP), and NYC Department of Environmental Protection (DEP) regarding Gowanus Superfund ROD and City rezoning.

3). 6/22/21 Support of EPA's Administrative Order dated March 29, 2021

Thank you in advance for your consideration of these issues,
Doug Sarno

Gowanus Canal CAG Facilitator
202-596-2660 office
703-927-6265 cell
doug@forumfg.com

SAINT LYDIA'S

CITY PLANNING COMMISSION
Calendar Information Office – 31st Floor
120 Broadway, New York, N.Y. 10271

July 28th, 2021

I am Rev. Christian Scharen and proud to serve as pastor of St. Lydia's Dinner Church in Gowanus. My congregation is a partner member of the Gowanus Neighborhood Coalition for Justice. Our coalition will not support the rezoning unless our top three demands are met: **full capital funding for local NYCHA developments, net zero CSOs, and the creation of a neighborhood task force to hold the city and all parties accountable for commitments made through the rezoning process.**

As a person of faith, I stand firmly with all three of these demands. For too long, rezoning processes (DUMBO, for example) have benefited developers and the city to the tune of millions in profit and related taxes. Mostly, these developers and others who profit from rezoning come from similar socioeconomic backgrounds as me. However, I have stood with the City Council member Brad Lander and residents of the Gowanus and Wyckoff Gardens Houses, listening to them detail the everyday effects of $270+ million dollars in deferred maintenance on their homes. The conditions they are forced to live in, while paying their rent every month, is a human rights issue! It is immoral that we would consider allowing developers—and by extention, the city, huge revenue without ensuring that our neighbors in NYCHA housing have their capital needs met.

All deserve to live in a neighborhood and housing that is well maintained. With this rezoning, we have the opportunity to make Gowanus more accessible, more affordable, more diverse, more resilient, and healthier. Let's ensure that this rezoning moves us towards this future, not a whiter, more exclusive one.

Sincerely,

Christian Scharen

The Reverend Christian Scharen, Ph.D.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Thursday, July 29, 2021 10:15 AM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Rebekah Smith**
Zip: **11216**

I represent:
- **A local business**

Details for "I Represent": **Ugly Duckling Presse**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
My name is Rebekah Smith and I work at Ugly Duckling Presse in the Old American Can Factory, at 3rd Street and 3rd Avenue in Gowanus. Our neighbor, BC Studio, which has been and continues to be essential to the NY music community since the very beginning of when the arts 1st came to the Can Factory and the Gowanus area—4 decades—is in the un-landmarked portion of the Can Factory. This makes it especially vulnerable to any new development of the site, and market pressures. This is not addressed in the Draft Environmental Impact Statement. There are also grave environmental issues that we feel demand that Federal agencies be involved parties in planning this Rezoning.and redoig the DEIS The only substantial affordable housing in this rezoning, is planned for Public Place. It would place thousands of people on a former manufactured gas plant site with coal tar below the surface that will not be fully removed. The Rezoning would also permit land elevation changes that put residents of NYCHA's Gowanus Houses at increased flood risk. After Superstorm Sandy affected them disproportionately, our electeds asked for "a comprehensive plan for infrastructure, flood protection, and land use" because re-grading could affect the pattern of water displacement The DEIS does not include a comprehensive plan The EPA commented in a letter on July 13 that there are inconsistencies in the DEIS regarding the water modeling for the remedial design of the CSO retention tanks. In light of this and the potential for Environmental Injustice, We urge the City to Redo the EIS with the EPA and it's sister agencies, FEMA and Army Corps Of Engineers as co-involved agencies. This is also legally required as there are Federal jurisdiction and compliance requirements that overlap in Gowanus. For instance the City will keep dumping combined sewage into the Canal indefinitely in violation of the Clean Water Act. Our elected officialss asked the same in a letter to EPA in May. Thank You

Gowanuslands.org

August 8, 2021

Department of City Planning (DCP)

RE: Comment on Gowanus Rezoning DEIS

Dear DCP,

Gowanuslands.org is an open space advocacy group in Gowanus. We advocate for open space on behalf of Gowanus residents.

There is currently a very low amount of open space in Gowanus, especially active open space. It appears that the Gowanus rezoning proposal would have significant adverse effects on open space. We think that it is very important that our community residents have access to quality open space, especially active open space. Therefore we would like to ask DCP to please consider modifying the current rezoning proposal to add more open space in the rezoning area.

We would like to focus on Block 471, Lot 1 in the Gowanus rezoning area, also known as the Public Place site. There is a substantial public record showing that the intent of the Public Place zoning designation in 1974 was to preserve the Public Place site for open space and recreational uses. As such we believe that the Public Place site qualifies as Implied Municipal Parkland under the New York State Parkland Alienation law, requiring New York State review and approval prior to a zoning change for the site.

We would like to request that DCP please review any relevant documentation related to the 1974 Public Place designation and please let us know their opinion with respect to the site being implied municipal parkland, and relatedly if DCP plans to seek New York State approval prior to the zoning change. As examples we have attached several documents with this letter showing the intent to use the site for open space and recreational uses including minutes of the April 3, 1974 CPC meeting, letters from January 9, 1974 and June 3, 1974 from the Brooklyn Borough President and Bureau of the Budget.

Sincerely,

Mac Thayer

Gowanuslands.org

SCAPE LANDSCAPE ARCHITECTURE DPC
277 BROADWAY NINTH FLOOR NEW YORK NY 10007
T 212 462 2628 SCAPESTUDIO.COM

July 28th, 2021

Re: Gowanus Neighborhood Plan – Public Comment

To the Department of City Planning,

Thank you for the opportunity to share feedback on the proposed Gowanus Neighborhood Plan. My name is Gena Wirth, I am a long time Brooklyn resident and have spent many years volunteering along the banks of the Gowanus with the Gowanus Canal Conservancy. In my job as Design Principal at SCAPE Landscape Architecture I have worked on the design of many waterfront sites across New York City, including active development sites along the Gowanus.

My firm, SCAPE, has been lucky enough to help support the community planning and design efforts led by the Gowanus Canal Conservancy and titled the Gowanus Lowlands Plan. Through this work we have talked to many stakeholder organizations, community members, and city agencies about the complexities of designing new, equitable public spaces along the canal that celebrate the rich industrial, ecological, and social history of the neighborhood.

I'm personally very supportive of the plan to thoughtfully rezone the Gowanus to improve critical infrastructure, provide affordable housing, and provide public access to the canal and I wanted to provide comments today that align with my disciplinary expertise as a landscape architect and my work at SCAPE. I've been pleased to see how the Waterfront Access Plan has been customized for the Gowanus to work with the unique conditions of this narrow inland waterbody. Typical NYC waterfront zoning is designed for expansive, large rivers like the Hudson, and the modifications made by city planning to adapt the regulations to provide more flexibility and incentives for the spaces to accommodate tidal wetlands, active programmed areas, and community amenities is thoughtful and responsive to the needs of this unique site. I strongly believe that without these modifications these amenities would be very difficult to incorporate, given the strong language of the standard waterfront zoning and the constrained nature of the Gowanus properties. The work around the unified stormwater rules helps provide more green infrastructure in the watershed and improve water quality of the Gowanus.

I support the modifications to the WAP that build in resilient higher elevations for the primary path while allowing the paths to drop down for water access and get downs – and would like to see even greater flexibility in these regulations and planning leadership around specific water access points, as expanded water access is a critical need of this community, particularly on public sites.

As the WAP and zoning evolves we also suggest that more flexibility in the planting requirements be explored that allow zones of structural soil to help satisfy these requirements. There are many competing interest within the Gowanus public realm – a desire for trees, for shade, for planting, but also for active, programmed space – play spaces, picnic tables, places to walk, bring your dog. All within 30-40' of space! Recent

technologies like structural soil can expand permeable space and provide space for healthy tree root growth, while still providing space for people to walk, without compacting soils. Trees need as much soil as possible to thrive in the long term, and it is our goal to make high quality public space that lasts for generations. Adjusting these requirements could help incentivize these technologies, which are higher cost and often value engineered from projects as soil is underground and unseen.

Finally, I request that the city advance a collective agency vision for publicly owned street ends – these are critical interfaces between the canal, the street network, the private sites, and the public esplanades. They are also a messy zone of overlapping agency jurisdictions, including DOT, FDNY, and DEP, which makes it extraordinarily difficult to advance the pedestrian scale and human-oriented gathering places and canal access points that community desires. This is not a physical challenge, it is a regulatory challenge, and without city agency coordination, support, and vision these important portals to the canal will end up as large expanses of impermeable concrete and asphalt. We do not want to miss this opportunity to improve the canals resilience and permeability and reduce urban heat island in this vulnerable neighborhood. We believe that these goals are in alignment with the Department of City Planning's desire to make a cohesive and inclusive public realm along the Gowanus Canal.

Thank you for your thoughtful work and modifications to the Waterfront Access Plan that have enabled these detailed conversations.

Sincerely,

Gena Wirth



Design Principal, SCAPE

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Thursday, July 29, 2021 6:07 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Sue Wolfe**
Zip: **11231**

I represent: • **Other** Details for "I Represent": **Friends of Thomas Greene Park**

My Comments:

Vote: I am **other**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
Dear Commissioners, Thank you for your work, and for listening to the community's concerns. I am president of the board of The Friends of Thomas Greene Park, and we support the Gowanus Rezoning with reservations. The City must commit to the renovation and improvement of Thomas Greene Park, and to the creation of other open spaces that will support the growing population of the Gowanus neighborhood. National Grid is already required to locate and outfit a temporary pool site before park remediation begins, and must remediate and restore the western two thirds of Thomas Greene Park. However, there is also a need for additional funds from the City to improve the park well beyond it's current state, and action must also be taken to prevent degradation caused by shadowing from overdevelopment on adjacent lots. The Master Plan on our website at www.friendsofthomasgreenepark.org shows a new wheelchair accessible building with year-round restrooms, locker rooms, a second floor for the community's use, and a green roof. In addition, the park could be rebuilt with an improved swimming pool, skateboard area, basketball court and green spaces that will compliment and connect to the proposed Head of Canal Park on the opposite side of Nevins Street. Furthermore, we ask that this section of Nevins Street (between DeGraw and Douglass) be demapped to create one continuous park from Third Avenue to the Canal. Please note that the DEIS clearly shows the dramatic impact of shadows on the pool and the park. The City needs to recommend modified massing and greater setbacks on 549 Sackett Street, 270 Nevins Street and 495 Sackett Street- the developer of the Adam's Book site, Domain, is well aware that their building's height along Degraw Street must be lower to prevent shadowing the southwestern area of Thomas Greene Park. We are also very concerned about the heights of buildings that will eventually be constructed on the Eastern Effects site and on the western side of the Canal. These will have a huge shadow effects on this park, the ONLY block-long park in all of Gowanus! Thomas Greene Park must be protected, improved and maintained for the health of all future Gowanus residents. Thank you for your consideration, Sue Wolfe

From: natasha amott <natasha.amott@gmail.com>
Sent: Tuesday, May 25, 2021 10:04 PM
To: 19DCP157K_DL@planning.nyc.gov
Subject: CB6 board member - questions on Gowanus rezoning

Hi Jonathan/Dept of City Planning - I am a member of CB6 and have a few questions related to the Gowanus rezoning. I have been so grateful for the unending number of hours that you and your team have put into the rezoning conversation. I know it's a tense time and we do appreciate you making yourself so available.

Are these questions that DCP can plan on answering this Thursday when you/someone attends the Landmarks Committee meeting? OR - maybe I have totally missed the answers and they are obvious and you can point me to the place where the answers exist? I realize that a couple of these might not be under the purview of City Planning but I am not sure who will answer them. So here they are and thank you so much.

~ Natasha Amott

Will the City respond to trusted Christos Tsiamis' concerns re Public Place remediation plans? His concerns are: FIRST, there is no waterproof liner 2 feet deep throughout site and therefore coal tar could be dislodged plus stormwater management has to be strong enough to not dislodge the tar (since all stormwater will be recycled back into canal); SECOND, there are no planned wings or barrier walls along 5th St and Huntington St to prevent coal tar oozing (he believes there will be collection at these points and they will need to move off onto adjacent land); and THIRD, he is concerned that fumes will not dissipate harmlessly into the air with built structures on top.

Can we pull any learnings from the Peter Cooper or Stuy Town developments which also occurred on MGP remediated lands? Was/Is environmental monitoring being conducted there?

Can we ask the City for a one page timeline in a chart/graphic of some kind showing the number of years to do all the key work in the rezoning area? We all need to understand how different components will phase in. For example, the 8M gallon tank and filtration facility will only be completed by 2032. What happens in the meantime?

Regarding direct displacement, the DEIS states that 20 residents living in 9 units could be directly displaced, and 42 businesses and 565 associated jobs could be directly displaced. What happens to them in this process? I mean that quite literally.

Where is City and NYCHA at with respect to the $237 million needed for the 3 NYCHA complexes immediately outside the rezoning area?

What does it mean that a majority of the rezoning is in a Qualified Opportunity Zone? I mean that not to define opportunity zone but to really understand how this will potentially play out to any developers in the zone (exclusive of Gowanus Green which I understand will receive no such subsidies). What are the specific tax subsidies to be applied to each housing development site?

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 9:25 AM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Ruth Benn**
Zip: **11215**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I am strongly opposed to the Gowanus "Neighborhood" Rezoning. Such a massive development takes no account of the existing neighborhoods or what a neighborhood can be. It is not about affordable housing but about luxury housing that we do not want or need. There is no indication that the current infrastructure could support so many new residents. The rezoning would exacerbate the combined sewer overflow problem and jeopardize the Gowanus Canal superfund cleanup. It would place unwitting people on dangerous, toxic land at a manufactured gas plant site. It would place thousands of additional people in the flood plain. I support Voice of Gowanus' efforts to amplify community concerns about how the disastrous rezoning will negatively impact our neighborhoods. This ULURP process should not be underway right now - the environmental impact study must first be re-done with federal agency involvement as required by law. Mere comments from EPA and FEMA are not enough. The current DEIS fails to account fully for these issues and fails to adhere to legal requirements for federal involvement. The ULURP process cannot go forward until that changes. I ask City Planning to vote NO on the proposed Gowanus rezoning.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 10:20 AM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Corinne Brenner**
Zip: **11226**

I represent:
- **Myself**

Details for "I Represent":

My Comments:

Vote: I am **other**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
Street end access to Canal waters should be improved, NOT removed. Water access at Douglass St. and 2nd Ave needs maintenance, a condition to improve on water access should be added. Regarding Nos. 44 - 49, GOWANUS NEIGHBORHOOD PLAN, A rezoning to allow +8,000 apartments to be built in current manufacturing zones of our neighborhood Improvements should be made to water access, instead of the new furniture requirement and other barriers required at dead end public City streets. Shoreline lighting requirements are not the most appropriate. Allow for walkway lighting, which makes stargazing possible.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, August 4, 2021 8:53 AM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Lauren Cohen**
Zip: **11215**

I represent:
- **Myself**

Details for "I Represent": **Artist**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I am Lauren Cohen. I have an art studio in The Old American Can Factory. I do painting, sculpture and publishing. My studio, along with many others, is in a section of the Can Factory that is not landmarked - this includes BC Studio, which has been recording music in that location for 4 decades and is very dependent on the particulars of the space - None of these small businesses are mentioned in the DEIS as 'Potentially Displaced' though this section of the building complex was left unlandmarked precisely so it can be developed, leaving us vulnerable. I urge further review of the impacts on small businesses in the un-landmarked sections of the Old American Can Factory. There are also environmental questions that I feel demand that Federal agencies be involved parties in planning this Rezoning. The EPA commented in a letter -July 13- that there are inconsistencies in the DEIS regarding the water modeling for the design of the CSO tanks. And the City will keep dumping sewage in the Canal in violation of The Clean Water Act Additionally, the only low-income housing is planned for Public Place. the site of a former manufactured gas plant, and the developers will be seeking Federal funds, including HUD - migration of coal tar that is left underground at Public Place is a potential threat to the EPA's own Superfund of the adjacent Canal, as well as the health of future residents In light of all this, I urge the City to re-do the EIS, with EPA, FEMA and Army Corps Of Engineers as co-involved agencies. Thank You

Reply all Delete Junk Block ···

19DCP157K - Comments on the DEIS

PC

Patricia Constantino <patrianyc12@gmail.com>
Tue 7/27/2021 1:57 PM
To: 19DCP157K_DL

Re: Gowanus Rezone Planning Hearing Scheduled for 7/28/2021

My name is Patricia Constantino, I live on 3rd Street near the Gowanus Canal and I strongly oppose the Gowanus Neighborhood Rezoning. I stand by and support the Voice of Gowanus' efforts to amplify community concerns about how disastrous the rezoning will negatively impact our neighborhoods. For instance, it includes a plan to build a 28-story high rise on Public Place. This is the opposite of what the community has made clear over the years that we need a park and open spaces. This plan will over stress our fragile infrastructure including subways and sewers, and will adversely impact community public goods including affordable housing and parks.

For decades the Gowanus area has been subjected to flooding and contamination by industrial waste and raw sewage that have been pouring into the Gowanus canal, seeping deep into the ground. It is a federal superfund site therefore, mere comments from EPA and FEMA are not enough. The environmental impact study must be redone with federal agency involvement as required by law. The EPA and FEMA must be involved in preparing the DEIS. That is why the ULURP process should not go forward right now.

The rezoning would exacerbate the combined sewer overflow problem and jeopardize the Gowanus Canal superfund cleanup. It would place unwitting people on dangerous, toxic land at a manufactured gas plant site. It would place thousands of additional people in the flood plain.

The current DEIS fails to account fully for these issues and fails to adhere to legal requirements for federal involvement.

It is not about affordable housing but about luxury housing that we do not want or need.That is why I'm asking City Planning to overlook its own conflict of interest in this matter and vote NO on the proposed Gowanus rezoning.

Thank you for accepting my comment. I hope it has helped my community.

Reply all Delete Junk Block ···

19DCP157K - Comments on the DEIS

YD

Yana Davydova <yandavydova@gmail.com>
Fri 5/28/2021 11:55 AM
To: 19DCP157K_DL
Cc: Stephen Levin; mike@bkcb6.org

Hi,

I would like to bring to your attention an incorrect information in Chapter 3: Socioeconomic Conditions - DEIS

Quote:

"There are three potentially displaced Information sector businesses employing an estimated 27 people on the projected development sites. The Information sector businesses are Band Spaces NYC (a recording studio), Eastern Effects (a soundstage and production space) (Projected Development Site 15), and a Verizon facility (Projected Development Site 41).

I would like to address specifically Band Spaces NYC which is incorrectly presented as a recording studio.

I am one of the many renters at Band Spaces NYC (located on 261 Douglass St) for the last 6 years. It is not a recording studio whatsoever but a large, multi unit rehearsal space for musicians with about 90 rooms that are rented monthly (24 hour lock out) by various professional session musicians, jazz bands, rock bands and classical musicians in order to practice and rehearse for their shows.

That specific location is in use by at least 180 people who rely on that place in order to maintain their craft, prepare for the gigs and be functional working musicians in the city.

Due to extremely high rent in the city, many musicians got pushed out into mid Brooklyn and 261 Douglass Street is the most affordable rehearsal space for the musicians who reside in middle to south Brooklyn. There are no other alternatives that are affordable in that quite large area of Brooklyn.

So, the number of displacements which is 27 is incorrect. It is rather 27+all the renters at 261 Douglass.

The loss of that rehearsal space will cause a lot of musicians to have no place to practice and host rehearsals and will probably cause many of them to reconsider their places of residence and move out of the surrounding Brooklyn area. There is nothing more important for a professional musician than having a place to work on their craft (especially in the evening when it is illegal to practice at home) and closing down that business would be detrimental to musicians who have been relying on that space for many years.

I hope this information will contribute towards redoing the study of socioeconomic impact of Gowanus Rezoning because obviously some information in that study is incorrect and does not reflect the true number of displacements

Yours sincerely,

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 2:42 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Owen Foote**
Zip: **11231**

Details for "I Represent": **A community member, former City Planning employee advocating for Gowanus neighborhood improvements for the past 30 years**

I represent: • **Myself**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
My name is Owen Foote. I volunteer with many groups but today I speak as an advocate of our Gowanus neighborhood for the past thirty years. During that time, many neighborhoods of Community Board Six have become more affluent and whiter while Gowanus and Red Hook continues to be of lower income and with market rents affordable to those earning 130% AMI. Today you will hear from speakers that this rezoning is of an affluent, mostly white Gowanus neighborhood. That is simply not true. We should recognize and support our Gowanus population of mostly Latin and African descent. I speak in favor due to the promise of affordable housing units and reduction of 2% sewage overflow events. While I believe only half of the number will be less expensive than current market residential rent of Gowanus, 1,500 truly affordable units would be constructed in the next few years. However, my support is conditional. I ask that CPC consider improving and NOT removing access to and from our soon to be clean Gowanus Canal. At the recent Huntington St. rezoning, several Commissioners assured over a dozen speakers at the hearing that the requests for access by the Community, the Boro President and the speakers would be considered. A few weeks later, this Commission voted to approve with barriers denying use by up to 3,000 Red Hook residents, most of whom are lower income members of Latin and African descent. I have attended countless (over 50) meetings to ask the City to listen to our community requests for access to the soon to be clean Canal waters from our dead-end streets. Approximately, 13 years ago, CPC approved access at 2nd St included in the 365 Bond St. rezoning but that launch site mostly serves mostly affluent, white members of Carroll Gardens, Cobble Hill and Park Slope. Today, there may be an option to modify the WAP text and I hope you consider amending the WAP to require on water accommodation at other streets. At minimum, 2 changes should be made in your approval. 1. Remove the additional seating at dead end streets as those obstacles are dangerous for boater to navigate through on land. For over 20 years, we have never had one accident on water from use of the 2nd St. launch site but we have many accidents on land as boats are portaged to the launch area. 2. Remove the required inappropriate shoreline lighting included in the WAP to allow for night sky viewing from our walkway. As one Commissioner mentioned at certification, the proposed traffic lighting is inappropriate as it over illuminates and is the wrong aesthetic. Low level bollard style lighting, similar to what is currently in place at Whole Foods on the Canal would be much better. Inclusion of night sky reflectors on such traffic lighting only allows for affluent residents of the new housing to see stars from their exclusive rooftops is exclusive and further separates an already divided community of haves versus have nots.

From: Owen Foote <footeowen@gmail.com>
Sent: Friday, August 6, 2021 3:42 PM
To: 21DCP103M_DL <21DCP103M_DL@planning.nyc.gov>
Cc: Owen Foote <footeowen@gmail.com>
Subject: [EXTERNAL] DEIS Comments

The following are my comments on the Gowanus DEIS.

I ask that the DEIS disclose ...

1. the impact of removal of existing access to the waterway from public Right Of Ways (City Streets) and the required placement of barriers (seating) that interferes with and is a safety hazard for portage of boats to the water. No other WPAA (WAP) in our City requires such seating obstacles.

2. the impact of shoreline lighting on night sky viewing from the shoreline public open space. Disclose the reduced glare / impact of low level pathway illumination that may benefit night sky viewing.

3. the social and racial equity impact of limiting the only access to the soon to be clean waterway at 2nd Street, for the convenient use by the mostly affluent members of Community Board Six neighborhoods of Carroll Gardens, Park Slope & Cobble Hill who are mostly of European descent, while removing / placing street furniture barriers to prevent access from street end locations that serve the mostly lower income communities of North Gowanus and Red Hook, mostly of Latin and African descent.

Thank you

Owen Foote
718.855-2434

Reply all Delete Junk Block ···

19DCP157K - Comments in Support

SF

Salvatore Franchino <sfranchino@gmail.com>
Wed 7/28/2021 11:31 AM
To: 19DCP157K_DL

Hello,

I moved to NYC as a broke student in 2010. I am much better off financially than when I first arrived, but I want to ensure both current and future New Yorkers who are not as privileged as me have the opportunity to thrive in NYC as I have.

That's why I support the Gowanus Rezoning.

8500 New Homes - As a truly international city of immigrants, we should welcome more people into the city. We need to build more homes to accommodate new New Yorkers. Without new housing built, we will have displacement of less well-off socioeconomic groups. That's why the 8500 new homes that could be built in Gowanus is a good thing! Market rate homes are good, as they provide the upper middle class with housing. Otherwise, they would reluctantly gentrify other neighborhoods like Bushwick. Build in Gowanus to protect less wealthy neighborhoods from displacement please!

3000 Rent Stabilized Homes - we have to build homes for all, not the few. These 3000 new affordable homes will provide safe and secure housing (not lead-filled NYCHA homes) for lower income New Yorkers. They will be in mixed-income buildings allowing lower and upper class New Yorkers to live together. Seeing as NYC is the second most segregated city in the US next to Milwaukee, mixed-income housing provided in the Gowanus rezoning is VERY GOOD. The status quo is a segregated, ghettoized city, a legacy of a horrifically racist past. We can provide affordable homes AND move forward from a racist legacy with this rezoning - LET'S DO IT!

Transit and Climate - the rezoned neighborhood will allow more people to live car free lives off the F/G/R trains. New Yorkers have the lowest carbon footprint in the country. We need more homes for more New Yorkers to live a low carbon life! Let's rezone Gowanus!

The EPA or whatever relevant agency has a great track record with Superfund Site remediation. I know that the land which will be rezoned is safe for habitation. Many millionaire homeowners alleged that the neighborhood is toxic and no one should live here as they veto new housing and watch their property values go up. If they actually believed that malarkey they would have moved to Brooklyn Heights or some other wealthy neighborhood. Please don't believe the lies of the rich home owning gentry trying to fleece us renters and profit off the housing shortage. Deb Stoller, Voice of Gowanus, etc. have been engaging in a bad faith campaign of reality denial. They deserve to voice their opinions no matter how horrid, but their facts are lies.

From: Gary Francis <standupforfitness@gmail.com>
Sent: Monday, August 9, 2021 10:49 PM
To: 19DCP157K_DL <19DCP157K_DL@planning.nyc.gov>
Subject: [EXTERNAL] Comments on CEQR No.19DCP157K (DEIS)

Dear Marisa Lago,

I've lived in Gowanus for nearly a dozen years, and am a board member of The Gowanus Dredgers Canoe Club. I am an avid paddler and have spent countless hours on the water in the Gowanus Canal, including training — 3-4 days a week, for two years — for a standup paddleboard race around Manhattan. I am also leading a joint research project on ribbed mussel habitat in the Canal. My comments on the DEIS are as follows:

Public Access to Public Waters
The Gowanus community has long had a dearth of active, open public spaces for recreation and community gathering, and the Canal has been vital to my physical and mental health. While the DEIS references the 1.8 mile Gowanus Canal as "an active open space resource for kayaking and other water-dependent activities" and states that this is "expected to increase as accessibility and water quality improves over the analysis period, further enhancing the quality and availability of open space resources in the study area," the plan does nothing to ensure that the Canal becomes the active open space that the community needs.

The DEIS does not take into account the lack of public water access, the lack of safe egress points, and the specification of numerous shoreline obstacles — including restrictive railing design and required seating at public streets ends, e.g. — in its assessment of open space potential.

The City must do its part to ensure that the canal can become a better, more active open space for the community, and the FEIS must account for the limitations of public access to the water in its open space assessments. Specifically:

1. The City must commit to developing on-water access points for the public on public property, in the form of docks, get-downs, or tie-ups at Public Street Ends throughout the district, the tank-top park slated for the head of the canal, the Salt Lot tank site, and the Public Place site.
2. The seating requirement for street ends should be removed. Doing so would allow for the creation of boat launches and remove a safety hazard for portage of boats to the water. No other WPAA (WAP) in our City requires such seating obstacles..
3. There should be at least one emergency egress point between each set of bridges, and these should be evenly distributed on both sides of the Canal.
4. All private waterfront developments must include, at a minimum, a safe means of egress from the water to shore (functional at all tide phases) for boaters and anyone who might fall into the waterway.
5. Ensure continuing navigability of the waterway for recreational human-powered and motorized vessels, as well as cargo and industrial vessels, from the mouth to the head-end by requiring that existing and any new bridges spanning the main channel of the Gowanus Canal are operable (i.e., can be opened to permit vessel traffic to transit).
6. Ensure that the shoreline reflects the diverse community of Gowanus by allowing a greater diversity of shoreline walkway designs, styles, and openness for lighting, railing, and paving types. Lighting along the shore public walkway should avoid interfering with wild bird migration and wild birds' nighttime use of the waterway, and railings should be kept to an absolute minimum along the Canal. The WAP should be modified to allow a broader range of shoreline treatments that respect these two principles.
7. Support the continued use and development of the waterfront over the next decade by providing temporary public boat access to the Gowanus Canal during the Superfund cleanup. Public access to the canal is currently limited to a public dock located at 2nd St, which is temporarily closed due to the dredging activity in the canal.
8. The waterway must be reclassified to reflect its current and future use as a primary contact waterway that is home to regular recreational boat users, anglers, and aquatic artists.

Water Quality

As a regular boater and fisherman on the Gowanus, I believe that the water quality of the Gowanus Canal must be a top priority as the city considers any development within the sewershed that impacts effluent flows into the waterway. Combined sewer overflow must be dramatically reduced - and preferably eliminated, both in terms of volume and in terms of pathogen and hazardous chemical concentration/potency.

The City has repeatedly failed to address concerns raised by both the local community and the federal Environmental Protection Agency regarding the impacts of the rezoning on sewage discharges into the canal and about the analyses of those impacts as presented in the DEIS.

The City must address concerns raised by the EPA's review of the DEIS, commit to working with the EPA to ensure that the Superfund cleanup remedy is not compromised, and publicly set forth the mechanisms for facilitating such engagement. We continue to have concerns, along with other stakeholders, that the DEIS fails to account for the full scope of the rezoning's impact on the neighborhood's stormwater infrastructure. I support comments submitted by both the U.S. EPA and the Gowanus Canal Conservancy pertaining to these issues.

Natural Resources / Wildlife Habitat

The DEIS does not adequately address the impacts of the rezoning on wildlife along the canal, and the City's analysis is missing key information about aquatic species. While the DEIS notes a number of invertebrates and fish present in the Canal, it fails to document certain species, such as the Atlantic Ribbed Mussel, and fails to document the extent of populations present.

This is no small matter. I have been actively involved in monitoring the presence of life in the canal for many years, most recently with a focus on ribbed mussels, which serve important ecological functions, including water filtration and providing habitat for other aquatic life. In October 2020, I collaborated with other members of the Gowanus Dredgers and the Gowanus Canal Conservancy to conduct a primary observation survey of the Atlantic Ribbed Mussel in the Gowanus Canal to understand mussel populations and habitat along the Canal bulkhead.

Our team analyzed the mussel counts by bulkhead material and found that existing wooden bulkheads provide significant habitat for mussels, at an average rate of 311 mussels per 100 linear feet. Wood supports 103 times more mussels than steel. Steel bulkheads provide minimal to no mussel habitat, at an average rate of 3 mussels per 100 linear feet. The existing wooden bulkheads along the Gowanus Canal are being replaced with steel under the Superfund, removing critical habitat to Atlantic Ribbed Mussels.

These issues should be addressed in two ways in the final EIS.

1. The FEIS should include additional data, such as that described above, to fully evaluate the impacts of the rezoning on organisms in the canal.
1. The City should pursue and support habitat improvements to bulkheads and edges along the Canal. The Gowanus Dredgers and I are collaborating with GCC and local schools to design, fabricate, and install modular mussel habitat and conduct monitoring and analysis during the Fall 2021, Spring 2022, and Fall 2022 semesters. Tests will include deploying a series of cast concrete structures on the surface of an existing steel bulkhead to mimic the conditions and geometric conditions in a natural mussel bank. This experimentation can build a case for larger scale implementation, to reintroduce habitat that can again support the thriving mussel populations that are being destroyed. The City should immediately provide funding support for this and other existing initiatives to expand habitat along the canal.

Thank you for your consideration,
Gary Francis

--
Sent from Gmail Mobile

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Friday, July 30, 2021 9:43 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Edward Greenfield**
Zip: **11215**

I represent:
- **Myself**

Details for "I Represent":

My Comments:

Vote: I am **other**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
The Gowanus Canal has a proud history of both commercial and recreational maritime use. Many boaters, including paddlers from The Dredgers and the NYC Harbor School have safely launched small rowboats and canoes on the canal, enjoying the peace and safety of the canal, even when water quality was far poorer than it is today. The Gowanus Canal should continue to safely provide appropriate publicly accessible launching facilities for small rowboats and canoes.

Reply all Delete Junk Block ···

Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

PC

Public Hearing Comments (Do not reply) <Public Comments_DL@planning.nyc.gov>

Fri 7/30/2021 4:14 AM

To: Jonathan Keller (DCP); Katherine Glass (DCP); **BrooklynComments_DL**

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Anita Haravon**
Zip: **11231**

I represent:
- **Myself**

Details for "I Represent":

My Comments:

Vote: I am **other**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
Concern that Gowanus is not clean enough for recreational use.

Reply all | Delete | Junk | Block | ···

Redo the Gowanus EIS

SH

seth hillinger <geekinger@gmail.com>
Sat 5/29/2021 11:50 PM
To: 19DCP157K_DL

Given major flood, sewage, and Superfund complexities in Gowanus, the EPA, FEMA, and Army Corps of Engineers MUST participate fully in preparing a new replacement EIS as "involved agencies" to fulfill their obligations.

Having these federal agencies merely comment on the existing flawed draft EIS is NOT SUFFICIENT and it is not what we deserve under law as community members who will be affected by massive proposed rezoning.

We urge DCP to REDO THIS EIS with Federal agency involvement in order to protect the health and safety of current and future citizens in Gowanus.

sincerely,

Concerned Carroll Gardens resident and parent.

Reply | Reply all | Forward

Reply all Delete Junk Block ···

19DCP157K - Comments on the DEIS

AH

Allison Hollihan <ahollihan71@gmail.com>
Sun 6/20/2021 7:26 PM
To: 19DCP157K_DL

To Whom It May Concern,

I reviewed the DEIS for the Gowanus Rezoning and I am not in support of the rezoning. In particular, I disagree with the findings in Chapter 3 (Socioeconomic) which I believe do not accurately reflect the implications for long-term residents of the neighborhood. Rezoning will significantly impact those with lower means who are the fabric of the neighborhood, and for whom displacement will result in an undue hardship. Once again, big money interests are stepping on the lives of Black and Brown people, and poor people.

Sincerely,
Allison Hollihan

Reply | Reply all | Forward

Reply all Delete Junk Block ···

Inconsistencies in the Gowanus Neighborhood Rezoning - Environmental Impact Statement

DI

Dmitry Ishenko <dmitryishenko@yahoo.com>

Fri 5/28/2021 1:06 PM

To: 19DCP157K_DL
Cc: Stephen Levin; mike@bkcb6.org

Hi,

I am writing in response to the Gowanus Neighborhood Rezoning - Environmental Impact Statement, which I have just read in its entirety.

I would like to point out two major inconsistencies in the Statement, both having to do with Chapter 3 - Socioeconomic. The inconsistencies can be found in the Private Business Displacement section of Chapter 3, particularly on page 17. In the "Information" section it is written:

"*There are three potentially displaced Information sector businesses employing an estimated 27 people on the projected development sites. The Information sector businesses are Band Spaces NYC (a recording studio) (Projected Development Site 13), Eastern Effects (a soundstage and production space) (Projected Development Site 15), and a Verizon facility (Projected Development Site 41). The potentially displaced businesses represent approximately one percent of businesses and one percent of employment within the Information sector in the study area.*

There are over 200 Information sector businesses in the study area and over 1,100 in Brooklyn, including businesses that offere similar services, such as Peter Karl Studios, Douglass Recording, Atlantic Sound Studio, and dozens of soundstages and production studios in New York City, according to the New York City Mayor's Office of Media and Entertainment."

First of all, Band Spaces NYC is NOT a recording studio. It is a musician rehearsal space facility with 90 units within it, a home to hundreds of musicians, as several bands/projects share each unit. It is a one of a kind facility in the surrounding area due to its large size and it's affordable monthly prices. While there are a couple more rehearsal facilities in the area, almost all of them are hourly spaces, and the ones that are not are a fraction of the size of Band Spaces NYC (needless to say, they are completely overbooked with long waiting lists). Hourly rehearsal spaces are extremely pricey for musicians to afford; having a 24 lockout space where one can pay reasonable monthly rent, store one's equipment, and practice at any given hour of the day or night has become a rarity in Brooklyn and New York City as a whole. By eliminating Band Spaces NYC you would be eliminating an entire community of professional musicians, most of whom have already been hit hard by the pandemic and are the last people to return back to normal work in the entire city. There will be simply no place for them to go in the surrounding area, which will have an enormous impact on the arts as a whole in New York City. I strongly encourage you to adjust your calculations and correct the wrong information in your Study to reflect the true impact of a space such as Band Spaces NYC.

Second, among the 3 places you list as offering "similar services" only two exist. Peter Karl Studio, which used to be housed in the Gowanus Arts Building at 295 Douglass Street, has long moved out and is not in business anymore. Please correct that information in your Study as well. Needless to say, the remaining two places do not offer "similar services" as they are recording studios, as opposed to rehearsal spaces that Band Spaces NYC provides.

As a full disclosure I would like to say that I am one of the tenants of Band Spaces NYC. I have been a professional musician my entire adult life (23 years), have performed all around the world in major venues and festivals, and, most recently, spent a year and a half on Broadway before the pandemic hit.

Thank you for your consideration.

Sincerely,
Dmitry Ishenko

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 3:43 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Ann Kathrin Kelly**
Zip: **11231**

I represent: • **Myself**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
Chair Lago and Commissioners, Thank you for the opportunity to address you today. I am a member of Voice of Gowanus, a coalition of community groups, concerned citizens and small business owners who have come together to fight for a just and sustainable future for Gowanus. Founders of our coalition include environmental activists who were instrumental in the successful campaign to list the Gowanus Canal as a Superfund site. We are deeply committed to safeguarding the health and safety of current and future residents, and to working to counteract the decades of Environmental Injustice that has so deeply harmed our neighborhood. This longstanding and ongoing abuse of the Gowanus Canal and its environs —one of the most polluted navigable waterways of the United States of America—has led to serious and compounding health and safety impacts for our community, including the 10,000 residents in public housing. The 82-block rezoning area lies substantially in a FEMA Flood Zone A that experienced severe flooding during Hurricane Sandy, including at the Gowanus Houses NYCHA campus. The rezone area also includes 133 documented toxic sites, including multiple manufactured gas plant sites. The City's own sea level rise projections show that future storm events will increase flood risk and the risk of toxic exposure. The rezoning also includes a plan to build affordable housing for low income and homeless families and a school on a piece of land known as Public Place that is deeply contaminated with coal tar, BTEX, and hydrocarbons, and would need to be monitored for toxic vapors in perpetuity. A senior EPA engineer and project manager of the Gowanus Canal Superfund has raised grave concerns in public comments about the inadequate toxic remediation planned for this site. Given these and other facts and what the law prescribes, the community has been advocating for months to have relevant federal agencies, including EPA, FEMA, HUD and the Army Corps of Engineers, identify themselves as "Involved Agencies" under the State Environmental Quality Review Act (SEQRA), and "Cooperating Agencies" under the National Environmental Policy Act (NEPA) so that their scientific expertise could be brought to bear on the draft Environmental Impact Statement for Gowanus. Our Congresswoman Nydia Velazquez has joined the community in pushing for the full involvement of federal agencies, and earlier this month, EPA revealed to Congresswoman Velazquez that they have indeed identified flaws, errors, and inconsistencies in the water modeling used by the City in the Gowanus DEIS before you today. This water modeling is fundamental to understanding how new development projects will impact the federally mandated clean-up of the Gowanus Canal, compliance with the Clean Water Act, compliance with the Rivers and Harbors Act, and the increasing risk of flooding and toxic exposure for the community at large due to climate change, especially those in low-lying legacy buildings, such at the Gowanus Houses NYCHA Campus, which flooded during Hurricane Sandy. The current DEIS simply does not meet the minimum due process requirements for environmental impact review. We ask that you set aside your particular policy positions on development, housing, job creation, and a host of other important issues that proponents of the rezoning will cite, and consider that even if you are in favor of this action, the rezoning will be at significant legal risk unless the EIS satisfies the requirements of state and federal statutes. Without a legally sufficient DEIS, you have not been given the impact analysis that would allow you to properly assess this zoning action. As such, we strongly urge you to vote your conscience and to vote for due process and transparency by voting NO on the Gowanus Neighborhood Plan.

Reply all Delete Junk Block ···

[EXTERNAL] Fw: comments on the Gowanus Rezoning DEIS

LL Linda LaViolette <lalaviolette@hotmail.com>
Mon 8/9/2021 9:21 AM
To: 19DCP157K_DL
Cc: Linda Laviolette <linda@voiceofgowanus.org>; info@voiceofgowanus.org

THIS MESSAGE IS FROM AN EXTERNAL SENDER
Use caution when clicking on links or attachments and never provide your username or password. Not sure? Report this email to phish@cyber.nyc.gov.

Olga Abinader, Director
Environmental Assessment and Review Division NYC Department of Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Comments- Draft Environmental Impact Statement for Gowanus Neighborhood Rezoning.

My name is Linda LaViolette and I have lived in the Gowanus since 1973. I bought my building during the bank redlining of the 1970's. Carroll Gardens and Gowanus was a working-class neighborhood, safe, welcoming, and funky. Together with my neighbors we put our efforts into building our families, businesses, and community. We love our neighborhood and have vested our efforts to improve it we don't want to see it destroyed.

I am opposed to the Gowanus Neighborhood Rezoning for multiple reasons:
It's a top-down rezoning from Politicians, Real Estate Developers, and the NYC Department of Planning .
It's too tall, too dense, and poorly though out despite the millions of taxpayer dollars and public staff time thrown at this proposal. It's a huge giveaway of public tax dollars to the real estate developers and robs NYC of future property tax revenue.
It's doesn't reflect the communities needs or wants despite a series of orchestrated visioning sessions.
Those visioning sessions were a waste of time. Lander didn't listen and thinks he knows better like Robert Moses.
The Gowanus Rezoning is missing most of the core items residents wanted and asked for. Safe affordable housing, improved sewer infrastructure, development that kept our industrial, retail, and artistic cultural mix and more park space.
In Eco Gowanus- Urban Remediation By Design, Columbia University Graduate School of Architecture, Planning and Design(2005) they outline many of the Development Strategies that could have been applied to the Gowanus Rezoning. It's a pity that the authors of the Gowanus Rezoning didn't spend more time reading their book. If they, had they would have had a better sense of what our community wanted and envisioned. Eco Gowanus also highlighted to the need for more park space in our community.

[EXTERNAL] Comments on CEQR No.19DCP157K (DEIS)

Celeste LeCompte <celeste@revolutionarygrammar.com>
Mon 8/9/2021 10:59 PM

To: 19DCP157K_DL <19DCP157K_DL@planning.nyc.gov>

THIS MESSAGE IS FROM AN EXTERNAL SENDER
Use caution when clicking on links or attachments and never provide your username or password. Not sure? Report this email to phish@cyber.nyc.gov.

Dear Marisa Lago,

I am a Gowanus resident and an active participant in the community. As a member of the Gowanus Dredgers, I regularly organize events on and alongside the Gowanus Canal and spend much of my time working with others to advocate for the cleanup of the canal and increase public access to the water. The Gowanus rezoning stands to have a significant impact on both of these issues, and my comments on the DEIS are as follows:

Public Access to Public Waters
The Gowanus community has long had a dearth of active, open public spaces for recreation and community gathering, and the Canal has been an important part of my life in the neighborhood, providing regular access to nature and physical activity. While the DEIS references the 1.8 mile Gowanus Canal as “an active open space resource for kayaking and other water-dependent activities” and states that this is “expected to increase as accessibility and water quality improves over the analysis period, further enhancing the quality and availability of open space resources in the study area,” the plan does nothing to ensure that the Canal becomes the active open space that the community needs.

The DEIS does not take into account the lack of public water access, the lack of safe egress points, and the specification of numerous shoreline obstacles — including restrictive railing design and required seating at public streets ends, e.g. — in its assessment of open space potential.

The City must do its part to ensure that the canal can become a better, more active open space for the community, and the FEIS must account for the limitations of public access to the water in its open space assessments. Specifically:

1. The City must commit to developing on-water access points for the public on public property, in the form of docks, get-downs, or tie-ups at Public Street Ends throughout the district, the tank-top park slated for the head of the canal, the Salt Lot tank site, and the Public Place site.
2. The seating requirement for street ends should be removed. Doing so would allow for the creation of boat launches and remove a safety hazard for portage of boats to the water. No other WPAA (WAP) in our City requires such seating obstacles..
3. There should be at least one emergency egress point between each set of bridges, and these should be evenly distributed on both sides of the Canal.
4. All private waterfront developments must include, at a minimum, a safe means of egress from the water to shore (functional at all tide phases) for boaters and anyone who might fall into the waterway.

5. Ensure continuing navigability of the waterway for recreational human-powered and motorized vessels, as well as cargo and industrial vessels, from the mouth to the head-end by requiring that existing and any new bridges spanning the main channel of the Gowanus Canal are operable (i.e., can be opened to permit vessel traffic to transit).
6. Ensure that the shoreline reflects the diverse community of Gowanus by allowing a greater diversity of shoreline walkway designs, styles, and openness for lighting, railing, and paving types. Lighting along the shore public walkway should avoid interfering with wild bird migration and wild birds' nighttime use of the waterway, and railings should be kept to an absolute minimum along the Canal. The WAP should be modified to allow a broader range of shoreline treatments that respect these two principles.
7. Support the continued use and development of the waterfront over the next decade by providing temporary public boat access to the Gowanus Canal during the Superfund cleanup. Public access to the canal is currently limited to a public dock located at 2nd St, which is temporarily closed due to the dredging activity in the canal.
8. The waterway must be reclassified to reflect its current and future use as a primary contact waterway that is home to regular recreational boat users, anglers, and aquatic artists.

Water Quality

As a regular boater on the Gowanus, I believe that the water quality of the Gowanus Canal must be a top priority as the city considers any development within the sewershed that impacts effluent flows into the waterway. Combined sewer overflow must be dramatically reduced - and preferably eliminated, both in terms of volume and in terms of pathogen and hazardous chemical concentration/potency.

The City has repeatedly failed to address concerns raised by both the local community and the federal Environmental Protection Agency regarding the impacts of the rezoning on sewage discharges into the canal and about the analyses of those impacts as presented in the DEIS.

The City must address concerns raised by the EPA's review of the DEIS, commit to working with the EPA to ensure that the Superfund cleanup remedy is not compromised, and publicly set forth the mechanisms for facilitating such engagement. We continue to have concerns, along with other stakeholders, that the DEIS fails to account for the full scope of the rezoning's impact on the neighborhood's stormwater infrastructure. I support comments submitted by both the U.S. EPA and the Gowanus Canal Conservancy pertaining to these issues.

Natural Resources / Wildlife Habitat

The DEIS does not adequately address the impacts of the rezoning on wildlife along the canal, and the City's analysis is missing key information about aquatic species. While the DEIS notes a number of invertebrates and fish present in the Canal, it fails to document certain species, such as the Atlantic Ribbed Mussel, and fails to document the extent of populations present.

This is no small matter. Many species, like the ribbed mussel, serve important ecological functions, such as water filtration and providing habitat for other aquatic life. In October 2020, I collaborated with other members of the Gowanus Dredgers and the Gowanus Canal Conservancy to conduct a primary observation survey of the Atlantic Ribbed Mussel in the Gowanus Canal to understand mussel populations and habitat along the Canal bulkhead.

Our team analyzed the mussel counts by bulkhead material and found that existing wooden bulkheads provide significant habitat for mussels, at an average rate of 311 mussels per 100 linear feet. Wood

supports 103 times more mussels than steel. Steel bulkheads provide minimal to no mussel habitat, at an average rate of 3 mussels per 100 linear feet. The existing wooden bulkheads along the Gowanus Canal are being replaced with steel under the Superfund, removing critical habitat to Atlantic Ribbed Mussels.

These issues should be addressed in two ways in the final EIS.

1. The FEIS should include additional data, such as that described above, to fully evaluate the impacts of the rezoning on organisms in the canal.
1. The City should pursue and support habitat improvements to bulkheads and edges along the Canal. The Gowanus Dredgers are collaborating with GCC and local schools to design, fabricate, and install modular mussel habitat and conduct monitoring and analysis during the Fall 2021, Spring 2022, and Fall 2022 semesters. Tests will include deploying a series of cast concrete structures on the surface of an existing steel bulkhead to mimic the conditions and geometric conditions in a natural mussel bank. This experimentation can build a case for larger scale implementation, to reintroduce habitat that can again support the thriving mussel populations that are being destroyed. The City should immediately provide funding support for this and other existing initiatives to expand habitat along the canal.

Thank you for your consideration,
Celeste LeCompte

--
Celeste LeCompte
503-544-9030

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Thursday, July 29, 2021 1:49 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Lucia Grace Reagan**
Zip: **11231**

I represent:
- **Myself**
- **A local community group or organization**

My Comments:

Vote: I am **other**

Details for "I Represent": **I am a member of Fifth Ave Committee and Gowanus Neighborhood Coalition for Justice**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
I am Lucia Marquez Reagan I am a community and tenant organizer and advocate of Fifth Ave Committee and a proud member of the Gowanus Neighborhood Coalition for Justice. As mentioned before our Coalition will NOT support the rezoning unless our top 3 demands are met: full capital funding for local NYCHA developments; net zero Combined Sewer Overflow; and the creation of a Task Force to hold the City and all parties accountable for commitments made through the rezoning process In addition, I would like to emphasize our affordable housing demands including creating an affordable housing preference for local CD6 NYCHA resident and prioritize our lowest income residents, seniors, and those with disabilities in the availability of units. The city must also commit to a significant number of Section 8 vouchers for existing NYCHA residents so they can move to newly created affordable housing. The second, is for the city to ONLY map the deepest mandatory inclusionary housing options: option 1 - 25% of units at 60% of Area median income and option 3 - 20% of units at 40% of AMI. Option 1 and 3 should be mapped as part of the Gowanus rezoning to both ensure more local low and moderate income residents, including seniors and households whose annual income is between 0%-60% of AMI, can benefit from the affordable housing units built and to allow a greater number of former Gowanus and Lower Park Slope residents, primarily lower income people of color who have been displaced, to qualify for new units. The city must mandate lower MIH levels of private developers. Developments along the Gowanus Canal must commit to deeper affordability than MIH alone by providing 25% permanently affordable housing at an average of 50% of AMI with 10% at 30% of AMI. The city must also consider improvements to social resilience and health outcomes for public housing residents. This includes developing plans to address environmental injustices, including CSO, flooding, urban heat island, emergency preparedness, climate resilience, mold, lead and asbestos and air quality in public housing. The conditions of current NYCHA housing in Gowans is deplorable. A situation that needs to be fixed immediately and prevention measures taken for the future housing developed be maintained both in accessibility for those who truly need it, and kept safe and healthy for those who reside in it. Affordable housing should not kill people slowly, it should be what healthy cities need to provide for healthy neighborhoods. Safe and Healthy Housing is a human right, and by honoring these demands in the rezoning, the city is taking a step towards housing justice. Thank you for your time.

Reply all Delete Junk Block ···

19DCP157K - Comments in Support

WM

William Meehan <william.meehan.620@gmail.com>

Wed 7/28/2021 10:23 AM

To: 19DCP157K_DL

To the Planning Commission:

I am a Brooklyn resident very near the project area, and I fully support the Gowanus rezoning with just a few caveats. I want us to build a city in which low-income residents can live comfortably in high-opportunity neighborhoods like Gowanus, and the 3000 affordable homes that this plan allows will go a long way towards achieving that. We should not turn down this opportunity to fight segregation and combat our dire housing shortage that puts so many families and individuals in shelters and on the streets. If possible, I would also request the rezoning to zone even higher, since additional market-rate units could help subsidize even more affordable units, and I think the goal should be to maximize the number of new affordable units.

This plan is essential for preventing further displacement in nearby neighborhoods, as the new market-rate housing in Gowanus will accommodate those who otherwise might gentrify neighborhoods like Sunset Park or Crown Heights. Gowanus is also a perfect location for more homes since there is so much excess subway capacity. I've lived in Williamsburg in the past few years, and that's proved to me that the F/G and R can both accommodate far more people than they do today. If those lines were ever to get overwhelmed, a W extension could easily handle even more new residents! New homes in Gowanus means fewer people moving to carbon-intensive cities in the Sun Belt, which is also essential.

To mitigate local impacts, I ask that the plan be modified to eliminate all parking minima. These mandates are incredibly costly, driving up the price to construct new homes. In turn, reducing or eliminating such minima will supercharge the rezoning to prioritize housing for people over storage for private vehicles. Recent studies show that driving and car ownership are correlated with (and even caused by!) parking availability, so for the sake of local emissions, noise, and air quality, let's not mandate new parking.

Earnestly,
William Meehan

Reply | Reply all | Forward

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Thursday, July 29, 2021 6:32 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Neill Morris-Knower**
Zip: **11217**

I represent: • **Myself** Details for "I Represent":

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I'm advocating for the long-term investment and protection of the BK6 Salt Lot, which provides many community benefits: compost production and education, environmental education, youth workforce development, ecological restoration areas, and native plant nursery operations. While I am in support of the Superfund requirement for DEP to construct bulkheads along the Salt Lot and 2nd Avenue and to construct the combined sewer overflow tank, I am requesting that during this ULURP process, the City commits to 1) minimize negative impacts to existing uses 2) provide needed support for relocation 3) produce a final site design that integrates displaced site components and programs, as well as additional community benefits and ecosystem improvements. I'm writing today because the staff at Gowanus Canal Conservancy and Big Reuse have taught me first hand the importance of ecosystem restoration and compost production, and are model stewards for land management. They are rebuilding natural ecosystems, and connecting and inspiring the community to take care of our water and land. The long term site design should incorporate the multiple improvements that GCC, Big Reuse, and DSNY have built and maintained on the Salt Lot. Some highlights include: ● 24/7 Residential food scrap drop-offs ● An estimated annual 150 tons of processed compost that enriches 50% of the tree pits and gardens throughout the Gowanus Watershed ● Landscape maintenance that provides green jobs and opportunities for 7 full time staff, 2 part-time staff, 7 youth staff, and an annual average of 750 volunteers ● A native plant nursery that grows and distributes over 4,000 native plants each year, with many planted in community gardens, public parks, tree beds, and schools throughout Gowanus ● An outdoor classroom that hosts over 500 local students annually in grades K-12 in community science and urban ecology programming ● Restoration areas including intertidal marsh, high marsh, maritime meadow, shrubland, emergent marsh rain gardens, and the 2nd Avenue street end garden, which cumulatively capture an estimated 32,300 gallons of stormwater per rain event ● Biodiversity documentation of over 1,000 observations including over 250 species of plants, birds, fish, invertebrates, and mammals All of the above site benefits will likely be impacted, displaced, and/or destroyed due to the City's plan, which is why effective collaboration and transparency is essential. With proper management, the relocation of displaced site components and programs, and investment in additional community and ecosystem services, we believe the Salt Lot can continue to serve Gowanus for generations to come.

Reply all Delete Junk Block ···

Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

PC

Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sun 8/8/2021 11:30 AM
To: Jonathan Keller (DCP); Katherine Glass (DCP); **BrooklynComments_DL**

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **SABRINA PATERSON**
Zip: **11203**

I represent:
- **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project?
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project:

Additional Comments:
SAVE BROOKLYN FROM DEVELOPERS!

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Monday, August 2, 2021 9:53 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Bradford Reed**
Zip: **11215**

I represent:
- **Myself**

Details for "I Represent": **--None--**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I am Bradford Reed, a musician, producer and composer with a studio in The Old American Can Factory. I have been here for over 25 years. There are grave environmental issues that I feel demand that Federal agencies be involved parties in planning this Rezoning. I have witnessed flooding and sewer backups first hand over the many years I've been in Gowanus. Unfortunately, due to climate change, I think it's safe to assume that this will only increase as storms worsen into the future. The only substantial affordable housing in this rezoning, is planned for Public Place. It would place thousands of people on a former manufactured gas plant site with coal tar below the surface that will not be fully removed. The Rezoning would also permit land elevation changes that put residents of NYCHA's Gowanus Houses at increased flood risk. After Superstorm Sandy affected them disproportionately, our electeds asked for "a comprehensive plan for infrastructure, flood protection, and land use" because re-grading could affect the pattern of water displacement. The DEIS does not include a comprehensive plan. The EPA commented in a letter on July 13 that there are inconsistencies in the DEIS regarding the water modeling for the remedial design of the CSO retention tanks. In light of this and the potential for environmental injustice as well as health and safety risks to those in Gowanus, we urge the the City to re-do the EIS, with EPA and it's sister agencies, FEMA and Army Corps Of Engineers as co-involved agencies. Also, my neighbor in the Old American Can Factory, BC Studio, a music recording small business that has been essential to the NY music community for 4 decades - since the beginning of when the arts 1st came to the Can Factory and Gowanus- is in the un-landmarked portion of the Can Factory and therefore especially vulnerable to new development of the site, and market pressures. This is not addressed in the DEIS, and should be. Thank You, Bradford Reed

Reply all Delete Junk Block ···

Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

PC

Public Hearing Comments (Do not reply) <Public Comments_DL@planning.nyc.gov>

Thu 7/29/2021 9:56 PM

To: Jonathan Keller (DCP); Katherine Glass (DCP); **BrooklynComments_DL**

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Eduardo Remes**
Zip: **11226**

I represent:
- **Myself**

Details for "I Represent":

My Comments:

Vote: I am **other**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
Please use heat pumps instead of natural gas

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 8:30 AM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **sandye renz**
Zip: **11215**

I represent:
- **Myself**

Details for "I Represent": **N?A**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
I agree with this request: Nos. 13-16 GOWANUS CANAL CSO FACILITY Please improve water access at Douglass St. and 2nd Ave, currently an access site that is in need of maintenance.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Wednesday, July 28, 2021 8:26 AM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **sandye renz**
Zip: **11215**

I represent:
- **Myself**

Details for "I Represent": **N?A**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
My name is Sandye Renz and I have lived in Gowanus for 30 years. I am saddened every day by the shameful sham of this misguided proposal. I'll start on the canal side. There should be convenient public access to the canal. Instead of barriers that prohibit access to the canal there should be improvements made to facilitate access. There should be easy access for all types of water and shoreline activities, whether it's canoeing or exploring or enjoying a waterside breeze. Also, there should not be a shoreline lighting requirement. Walkway illumination should be in accord with letting the shoreline ecology flourish as well as having the possibility of stargazing. The requirements now prohibit these objectives. This ULURP process should not be underway right now - the environmental impact study must first be re-done with federal agency involvement as required by law. Mere comments from EPA and FEMA are not enough. The Gowanus neighborhood has been subjected to flooding and contamination by industrial waste and raw sewage that have been pouring into the Gowanus canal - and seeping deep into the ground - for decades. It is a federal superfund site. As a result, EPA and FEMA are required by law to be involved in preparing - not just commenting on, but in preparing - the DEIS up for discussion today. The rezoning would exacerbate the combined sewer overflow problem and jeopardize the Gowanus Canal superfund cleanup. It would place unwitting people on dangerous, toxic land at a manufactured gas plant site. It would place thousands of additional people in the flood plain. It is not about affordable housing but about luxury housing that we do not want or need. The current DEIS fails to account fully for these issues and fails to adhere to legal requirements for federal involvement. The ULURP process cannot go forward until that changes. I ask City Planning to overlook its own conflict of interest in this matter and vote NO on the proposed Gowanus rezoning. Sincerely, Sandye Renz

Reply all | Delete | Junk | Block | ···

19DCP157K - Comments on the DEIS

WR

Will Roland <willroland1@gmail.com>
Wed 7/21/2021 2:06 PM
To: 19DCP157K_DL

Hello, and thank you for reading my testimony.

I am a CB6 resident for 12 years now and fully support the opportunity that this rezoning presents to create more energy-efficient housing near transit to help our area reduce carbon emissions and hopefully slow out-of-control home price growth so that our neighborhood can once again be a place where hard-working middle-class folks can live and raise families.

Obviously there are historic issues related to flooding and toxicity that must be resolved around the Gowanus Canal, and I believe the significant investment that this rezoning will invite is the best way to handle these issues, some of which stretch back well over a century.

Once again thank you, and I look forward to welcoming more neighbors to our community in new, efficient homes in one of our most vibrant, growing neighborhoods.

~Will Roland (he/him)
(why I put pronouns in my email signature)

Reply | Reply all | Forward

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Sunday, July 25, 2021 10:34 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Miranda Sielaff**
Zip: **11231**

- **Myself** Details for "I Represent": I represent:

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
My name is Miranda Sielaff and I am voicing opposition to the Gowanus Neighborhood Rezoning. I am a resident who lives in a rent-stabilized apartment one block from the Gowanus Canal. This neighborhood is my home and I want to make sure the health and safety of my neighbors and I are protected as sites are cleaned up and developed. I want Gowanus to be safe for future residents who may live on land and near water that has been subject to environmental abuse for decades. This community suffers from combined sewage outflows, and Gowanus needs the full protections for environmental justice afforded by the law. Brown sewage coming into the Canal from 20,000 more residents will increase pathogens in the Canal, and a yet-to-be-instituted stormwater rule doesn't solve that problem. The City plans to keep dumping combined sewage into the Canal indefinitely in violation of the Clean Water Act. The Gowanus Rezoning would place thousands of people on toxic land at Public Place, a former manufactured gas plant site with coal tar over 150 feet below the surface that will not be fully removed. Public Place is now a State Superfund site adjacent to a Federal Superfund site, and the most substantial affordable housing is planned for this site. Sea level rise and pluvial flooding already threaten Gowanus, but the Rezoning would place thousands more people in a FEMA Flood Zone A and permit land elevation changes that put residents of NYCHA's Gowanus Houses at increased flood risk. During Superstorm Sandy flooding affected the Gowanus Houses disproportionately, where residents were left without power or water. In 2013 this prompted elected officials to ask for "a comprehensive plan for infrastructure, flood protection, and land use regulations" and to question the impact of individual sites with raised grades: "Re-grading… could well affect the pattern of water displacement during a flooding event, to the potential detriment of nearby properties." The DEIS does not include a comprehensive plan that addresses these complexities. In light of these unaddressed complexities I urge the City to Redo the EIS. We need Federal agencies to be involved agencies in planning this Rezoning to ensure that polluted sites are safely cleaned up, and that the EPA's Superfund cleanup of the Gowanus Canal is not compromised. The EPA's analysis of the Gowanus watershed is just one example. The EPA commented in a letter to elected officials on July 13: "There are several inconsistencies in the DEIS between modeling performed for the Long Term Control Plan [for the Gowanus Canal], [modeling done] for EPA associated with the remedial design for the CSO retention tanks, and for the DEIS. These inconsistencies need to be resolved." In May, Nydia Velazquez, Jo Anne Simon, Jabari Brisport, Brad Lander and Stephen Levin called for the EPA, FEMA and Army Corps of Engineers to be involved parties in the plans for the Rezoning. I join them in demanding real coordination under Federal law of these comprehensive land use changes.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Tuesday, July 27, 2021 11:10 AM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Roy Sloane**
Zip: **11201**

I represent:
- **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
My name is Roy Sloane, and I'm speaking in strong opposition to the Gowanus Neighborhood Rezoning. I support Voice of Gowanus' efforts to amplify community concerns about how the disastrous rezoning will negatively impact our neighborhoods. This ULURP process should not be underway right now - the environmental impact study must first be re-done with federal agency involvement as required by law. Mere comments from EPA and FEMA are not enough. The Gowanus neighborhood has been subjected to flooding and contamination by industrial waste and raw sewage that have been pouring into the Gowanus canal - and seeping deep into the ground - for decades. It is a federal superfund site. As a result, EPA and FEMA are required by law to be involved in preparing - not just commenting on, but in preparing - the DEIS up for discussion today. The rezoning would exacerbate the combined sewer overflow problem and jeopardize the Gowanus Canal superfund cleanup. It would place unwitting people on dangerous, toxic land at a manufactured gas plant site. It would place thousands of additional people in the flood plain. It is not about affordable housing but about luxury housing that we do not want or need. The current DEIS fails to account fully for these issues and fails to adhere to legal requirements for federal involvement. The ULURP process cannot go forward until that changes. I ask City Planning to overlook its own conflict of interest in this matter and vote NO on the proposed Gowanus rezoning.

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Friday, August 6, 2021 2:14 PM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Panayiotis Terzis**
Zip: **11215**

I represent:
- **Myself**
- **A local business**

Details for "I Represent": **I am an artist, printer and publisher who depends on my studio space in Gowanus, Brooklyn.**

I the co-founder of the RisoLAB at the School Of Visual Arts in Manhattan, where I'm also a faculty member and adjunct professor. I have a studio in The Old American Can Factory in Gowanus, where I do freelance commercial illustration and design work, make paintings, and operate my publishing company Mega Press.

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
Half of the Can Factory building complex is not landmarked. It was left out of the landmarking so that it can be developed. All the small businesses in this portion are therefore vulnerable. None of them are mentioned in the DEIS as 'Potentially Displaced', and they should be. In addition to my business, this includes BC Studio (music recording) which has been in that location since 1980 and is itself historic, and valued in the music and arts community So I urge further assessment of impacts on the un-landmarked portions of Old American Can Factory I'm also concerned about EPA's comments on the DEIS (letter -July 13) about inconsistencies and errors in the City's water modeling for the design of CSO tanks. I urge that EPA get involved as an involved party to the rezone and writing of the final EIS, for that and the following reasons: • The City will keep dumping sewage in the Canal in violation of The Clean Water Act. • Low-income housing is planned for Public Place -site of the former manufactured gas plant, where developers will be seeking Federal funds. • Migration of coal tar that is left underground at Public Place is a potential threat to the adjacent Canal -EPA's Superfund site - The EPA's head engineer, Christos Tsiamis, has already expressed reservations about the volatility of coal tar under Public Place, and the potential of vapors to spread inside buildings • As the re-zoning includes a Zone A for flooding, with currently unknown effects on several un-mitigated brownfields and sealed off turning basins of the Canal, i also urge FEMA and Army Corps Of Engineers to be co-involved agencies, before adding 20K new residents. This plan is environmentally irresponsible, and will negatively impact current and future residents of the area, in addition to potentially displacing thousands of artists and small business owners who depend on their workspaces to earn their livelihood. Thank You, Panayiotis Terzis

Reply all | Delete | Junk | Block | ...

19DCP157K - Comments in Support

MT

Michael Thornton <michael.thornton57@gmail.com>

Wed 7/28/2021 9:54 AM

To: 19DCP157K_DL

Dear Members of the City Planning Commission:

I write as a local resident of Brooklyn's Community Board 6 in support of the Gowanus rezoning plan. I hope that you will approve the rezoning to facilitate more housing and improvements to our local infrastructure. My local community board has made a number of recommendations; I support many of those, particularly around affordable housing requirements, but I wanted to urge the commission to consider two additional improvements to the plan.

First, Gowanus offers an opportunity for New York to take a global lead in modeling a car-free or car-light urban neighborhood. Reducing or eliminating parking requirements further; demapping more streets to create pedestrian-priority zones; and emphasizing cycle, pedestrian, and public transport as the primary modes of mobility in Gowanus would be an inspiring and transformative vision for American urban space. More practically, this would help the city meet its carbon-reduction goals, and could facilitate a greater area of non-impervious surfaces to reduce stormwater runoff.

Second, the traffic analysis in the DEIS notes several areas where pedestrian congestion is expected at certain times, such as the sidewalks around the Union St bridge. Yet, the proposed mitigation does not include widening sidewalks (there is some mention of tree pits being unmovable, but no consideration given to new sidewalk designs that would leave the trees in the middle of a wider sidewalk). I realize that these questions may best be deferred to DOT, but I hope the commission and DCP staff will consider stronger provisions for improving the existing streetscapes.

Thank you for your consideration of these thoughts as you consider the Gowanus rezoning plan. Regardless of where you stand on these suggestions, I hope you will approve this fine plan.

Sincerely
Michael Thornton
266 Union St, #2
Brooklyn

Reply | Reply all | Forward

Reply all Delete Junk Block ···

Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

PC

Public Hearing Comments (Do not reply) <Public Comments_DL@planning.nyc.gov>

Sun 8/8/2021 11:37 AM

To: Jonathan Keller (DCP); Katherine Glass (DCP); **BrooklynComments_DL**

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **Aloise Visosky**
Zip: **11203**

I represent:
- **Myself**

Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project:

Additional Comments:
This massive rezoning proposal is not to the advantage of local residents & businesses nor to Brooklyn itself.

Reply all Delete Junk Block ···

Comments on the DEIS

MW

M Vern Woodhead <vernwoodhead@yahoo.com >

Sat 5/29/2021 11:04 AM

To: 19DCP157K_DL

Cc: Stephen Levin; mike@bkcb6.org

Hello,

I would like to draw your attention to incorrect information in Chapter 3: Socioeconomic Conditions - DEIS
Quote from page 18:

"*Information*
There are three potentially displaced Information sector businesses employing an estimated 27 people on the projected development sites. The Information sector businesses are Band Spaces NYC (a recording studio) (Projected Development Site 13), Eastern Effects (a soundstage and production space) (Projected Development Site 15), and a Verizon facility (Projected Development Site 41). The potentially displaced businesses represent approximately one percent of businesses and one percent of employment within the Information sector in the study area."

I am one of many renters at Band Spaces NYC (located at 261 Douglass St). I have been there for over 6 years. It is not a recording studio, but a large, multi-unit rehearsal space for musicians with about 90 rooms that are rented monthly (24 hour lock out) by various professional session musicians, jazz bands, rock bands and classical musicians in order to practice and rehearse for their shows.

That specific location is used by at least 180 people who rely on that place in order to maintain their craft, prepare for the gigs and be functional working musicians in the city. It has been difficult for musicians during the pandemic, and due to extremely high rent in the city, many musicians got pushed out into mid Brooklyn (and other places) and 261 Douglass Street is the most affordable rehearsal space for the musicians who reside in middle to south Brooklyn. There are no other alternatives that are affordable in that quite large area of Brooklyn.

So, the number of displacements listed as 27 is incorrect. It is rather at least 27 plus all the renters at 261 Douglass.

The loss of that rehearsal space will cause a lot of musicians to have no place to practice and host rehearsals and will probably cause many of them to reconsider their places of residence and move out of the surrounding Brooklyn area. There is nothing more important for a professional musician than having a place to work on their craft (especially in the evening when it is illegal to practice at home) and closing down that business would be detrimental to musicians who have been relying on that space for many years.

I hope this information will contribute towards redoing the study of socioeconomic impact of Gowanus Rezoning because obviously some information in that study is incorrect and does not reflect the true number of displacements.

The pandemic has taken a devastating toll on musicians and I fail to see how displacing so many of us, and so many others is of any benefit to the community.

Sincerely,

M. Vern Woodhead II

Reply | Reply all | Forward

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Thursday, July 29, 2021 10:26 AM
To: Jonathan Keller (DCP) <JKeller@planning.nyc.gov>; Katherine Glass (DCP) <KGlass@planning.nyc.gov>; BrooklynComments_DL <BrooklynComments_DL@planning.nyc.gov>
Subject: Comments re: C 210177 ZMK - Gowanus Neighborhood Plan

Re. Project: **C 210177 ZMK - Gowanus Neighborhood Plan**

- Application Number: **C 210177 ZMK**
- Project: **Gowanus Neighborhood Plan**
- Public Hearing Date: **07/28/2021**
- Borough: **Brooklyn**
- Community District: **2, 6**

Submitted by:

Name: **M. Vern Woodhead II**
Zip: **10032**

I represent: • **Myself** Details for "I Represent":

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
To Whom It May Concern, My name is M. Vern Woodhead II, I'm a professional musician working in rehearsal spaces in Gowanus, and also recording at BC Studio in the Old American Can Factory. I have previously commented on the insufficient research that was conducted regarding music rehearsal spaces. I'd like to add that BC Studio's survival is essential to the music community, and that market pressure on the Can Factory with any new development of the site, make it potentially displaced, along with many other small businesses. This is not addressed in the DEIS. Regarding public health, the Gowanus rezoning would place thousands of people on a former manufactured gas plant site. Public Place is a State Superfund site adjacent to a Federal Superfund site, and the only substantial affordable housing is planned for this site. The rezoning would also permit land elevation changes that put residents of NYCHA's Gowanus Houses at increased flood risk. Let me explain: when land is raised for new highrise housing, the existing NYCHA housing on lower ground experiences deeper flood waters after the next hurricane or superstorm. NYCHA housing must be improved and protected before any rezoning. After Superstorm Sandy affected the Gowanus Houses disproportionately, our elected officials asked for "a comprehensive plan for infrastructure, flood protection, and land use" noting that re-grading could affect the pattern of water displacement. The DEIS does not include a comprehensive plan. The EPA commented in a letter to elected officials on July 13: "There are several inconsistencies in the DEIS between modeling performed for the Long Term Control Plan [for the Canal], and for EPA associated with the remedial design for the CSO retention tanks. These inconsistencies need to be resolved." In light of these unaddressed issues and the potential for an Environmental Injustice, I urge the City to Redo the EIS with direct involvement by Federal agencies. The May letter to the EPA by Nydia Velazquez, Jo Anne Simon, Brad Lander and Stephen Levin, calls for this as well. "We ask that you coordinate as an involved agency under the New York State Environmental Quality Review Act. Further, since Superfund, Clean Water Act, Flood Insurance Act, and Rivers and Harbors Act jurisdiction and compliance requirements overlap in Gowanus, we likewise seek that your sister agencies FEMA and the US Army Corps of Engineers coordinate as co-involved agencies." This ULURP process should not be underway right now - the Environmental Impact study must first be re-done with federal agency involvement. Thank You M. Vern Woodhead II

From: M Vern Woodhead <vernwoodhead@yahoo.com>
Sent: Saturday, May 29, 2021 11:04 AM
To: 19DCP157K_DL <19DCP157K_DL@planning.nyc.gov>
Cc: Stephen Levin <slevin@council.nyc.gov>; mike@bkcb6.org
Subject: Comments on the DEIS

Hello,

I would like to draw your attention to incorrect information in Chapter 3: Socioeconomic Conditions - DEIS
Quote from page 18:

"*Information*
There are three potentially displaced Information sector businesses employing an estimated 27 people on the projected development sites. The Information sector businesses are Band Spaces NYC (a recording studio) (Projected Development Site 13), Eastern Effects (a soundstage and production space) (Projected Development Site 15), and a Verizon facility (Projected Development Site 41). The potentially displaced businesses represent approximately one percent of businesses and one percent of employment within the Information sector in the study area."

I am one of many renters at Band Spaces NYC (located at 261 Douglass St). I have been there for over 6 years. It is not a recording studio, but a large, multi-unit rehearsal space for musicians with about 90 rooms that are rented monthly (24 hour lock out) by various professional session musicians, jazz bands, rock bands and classical musicians in order to practice and rehearse for their shows.

That specific location is used by at least 180 people who rely on that place in order to maintain their craft, prepare for the gigs and be functional working musicians in the city. It has been difficult for musicians during the pandemic, and due to extremely high rent in the city, many musicians got pushed out into mid Brooklyn (and other places) and 261 Douglass Street is the most affordable rehearsal space for the musicians who reside in middle to south Brooklyn. There are no other alternatives that are affordable in that quite large area of Brooklyn.

So, the number of displacements listed as 27 is incorrect. It is rather at least 27 plus all the renters at 261 Douglass.

The loss of that rehearsal space will cause a lot of musicians to have no place to practice and host rehearsals and will probably cause many of them to reconsider their places of residence and move out of the surrounding Brooklyn area. There is nothing more important for a professional musician than having a place to work on their craft (especially in the evening when it is illegal to practice at home) and closing down that business would be detrimental to musicians who have been relying on that space for many years.

I hope this information will contribute towards redoing the study of socioeconomic impact of Gowanus Rezoning because obviously some information in that study is incorrect and does not reflect the true number of displacements.

The pandemic has taken a devastating toll on musicians and I fail to see how displacing so many of us, and so many others is of any benefit to the community.

Sincerely,

M. Vern oodhead II

Reply all | Delete | Junk | Block | ···

19DCP157K - Comments in Support"

DY

David Yang <dyang00@gmail.com>
Mon 7/26/2021 11:09 AM
To: 19DCP157K_DL

Dear Planning Commission members,

I am writing in support of the Gowanus rezoning. I am a long time Fort Greene resident and housing is desperately needed across Brooklyn.

This is an opportunity to build over 8500 homes, 3000 affordable—in a wealthy, high-opportunity neighborhood well-served by transit.

Best,
David

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

RA

Richard Anderson <drichander02@everyactioncustom.com>

Tue 7/13/2021 5:10 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Richard Anderson
2706 Seagirt Ave Apt 3 Far Rockaway, NY 11691-2284
drichander02@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

EB

Elizabeth Baye <bethbaye@everyactioncustom.com>

Wed 7/14/2021 8:12 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Miss Elizabeth Baye
337 Nevins St Brooklyn, NY 11215-1032
bethbaye@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

MB

Magdalena Benitez-Ridley <mbridley@everyactioncustom.com>

Thu 7/15/2021 5:15 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms. Magdalena Benitez-Ridley
3 Stuyvesant Oval Apt 9B New York, NY 10009-2128
mbridley@aol.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

RC

Richard Capozzi <rmcapozzi@everyactioncustom.com>

Wed 7/14/2021 6:23 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Richard Capozzi
618 Dean St Apt 4D Brooklyn, NY 11238-3007
rmcapozzi@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

CC

Cecilia Carey <cecilia@everyactioncustom.com>
Sat 7/17/2021 11:20 PM
To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mrs. Cecilia Carey
470 2nd Ave New York, NY 10016-9112
cecilia@inter-hemisphere.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

LD

Laraine DeAngelis <raineyriver1@everyactioncustom.com>

Fri 7/16/2021 2:51 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms Laraine DeAngelis
35 Skillman Ave Brooklyn, NY 11211-2203
raineyriver1@aol.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

CF

Carmen Fraser <carmenfraser24@everyactioncustom.com>

Fri 7/16/2021 6:49 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms Carmen Fraser
423 Baltic St Apt 14C Brooklyn, NY 11217-2522
carmenfraser24@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ...

I support Gowanus Neighborhood Rezoning

FG

Frances Gagliardi <cesca3@everyactioncustom.com>

Fri 7/16/2021 8:35 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the “Gowanus Mix” the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Miss Frances Gagliardi
82 Irving Pl Apt 2C New York, NY 10003-2224
cesca3@mac.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

DG

Deshawn Gathers <Dsean5000@everyactioncustom.com>

Wed 7/14/2021 2:44 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Deshawn Gathers
527 W 47th St Apt 1E New York, NY 10036-2242
Dsean5000@yahoo.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

CG

Curt Gebhart <curtvoicesgalore@everyactioncustom.com>

Wed 7/14/2021 12:13 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Curt Gebhart
8710 34th Ave Apt 1N Jackson Heights, NY 11372-3366
curtvoicesgalore@aim.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

BG

barbara goldstein <rgkgbg123@everyactioncustom.com>

Fri 7/16/2021 11:53 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mrs. barbara goldstein
125 Beach 17Th St Apt 8J Far Rockaway, NY 11691-4502
rgkgbg123@aol.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

PH

Paul Hew <paulhew@everyactioncustom.com>
Wed 7/14/2021 12:06 PM
To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr Paul Hew
256 10th St Brooklyn, NY 11215-3908
paulhew@aol.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

PJ

Paulette Jackson <peacepcj@everyactioncustom.com>

Thu 7/15/2021 1:36 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms. Paulette Jackson
PO Box 7077 New York, NY 10116-7077
peacepcj@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

KJ

Kevin Jairam <mrkevinjairam@everyactioncustom.com>

Sun 7/18/2021 8:14 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the “Gowanus Mix” the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Kevin Jairam
9545 110th St South Richmond Hill, NY 11419-1016
mrkevinjairam@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

LJ

Lindsay Jones <diamondbones@everyactioncustom.com>

Tue 7/13/2021 8:02 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mx Lindsay Jones
2812 47th St # 1S Astoria, NY 11103-1221
diamondbones@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

JK

Judy Knafo <jknafo@everyactioncustom.com>
Wed 7/14/2021 8:50 AM
To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mrs. Judy Knafo
212 E 11th St Apt 2 New York, NY 10003-7335
jknafo@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

CK

Cathy Kwan <catkwan11@everyactioncustom.com>
Tue 7/13/2021 9:37 PM
To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms. Cathy Kwan
279 1st St Brooklyn, NY 11215-1921
catkwan11@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

CL

Caroline Labita <csalernolabita@everyactioncustom.com>

Wed 7/14/2021 11:28 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms Caroline Labita
51 Madison Ave Staten Island, NY 10314-1525
csalernolabita@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

ML

Milagros Lucena <mlucena547@everyactioncustom.com>

Wed 7/14/2021 3:27 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms. Milagros Lucena
2215 Avenue Y Apt 1F Brooklyn, NY 11235-2957
mlucena547@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

CM

carolyn mays <cymays16@everyactioncustom.com>

Sun 7/18/2021 3:20 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the “Gowanus Mix” the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms. carolyn mays
6783 224th St # B Oakland Gardens, NY 11364-2732
cymays16@msn.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

SM

sue Middleton <smiddleton277@everyactioncustom.com>

Sat 7/17/2021 4:02 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms sue Middleton
4314 60th St Apt 2H Woodside, NY 11377-4912
smiddleton277@yahoo.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

DM

Danielle Mogyorosi <dmogz64@everyactioncustom.com>

Wed 7/14/2021 5:28 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Miss Danielle Mogyorosi
210 9th St Fl 2 Brooklyn, NY 11215-3902
dmogz64@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

AM

Alexander Morrison <27tmdg@everyactioncustom.com>

Fri 7/16/2021 4:11 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Alexander Morrison
135 Atlantic Ave Apt 3 Brooklyn Heights, NY 11201-5523
27tmdg@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

AM

Abu Muhammad <nguzo_saba7@everyactioncustom.com>

Sat 7/17/2021 10:03 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Dr. Abu Muhammad
388 Midwood St Brooklyn, NY 11225-5449
nguzo_saba7@live.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

NP

Natalia Perez-Flores <nataliaperezflores@everyactioncustom.com>

Fri 7/16/2021 9:14 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms. Natalia Perez-Flores
1433 Dekalb Ave Apt 2C Brooklyn, NY 11237-4097
nataliaperezflores@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

JR

Jameson Reese <jamo.reese72@everyactioncustom.com>

Sat 7/17/2021 2:59 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Jameson Reese
374 Skyline Dr Staten Island, NY 10304-4608
jamo.reese72@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

LR

Lynn Rivera <riveral1050@everyactioncustom.com>

Thu 7/15/2021 7:45 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms. Lynn Rivera
957 67th St Brooklyn, NY 11219-5811
riveral1050@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

CR

Christine Rodriguez <cdg2@everyactioncustom.com>

Thu 7/15/2021 10:26 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Miss Christine Rodriguez
6413 Fresh Pond Rd Ridgewood, NY 11385-3330
cdg2@hotmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

NR

Nancy Rosenberg <nf.rosenberg@everyactioncustom.com>

Tue 7/13/2021 9:35 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Dr. Nancy Rosenberg
35 Prospect Park W # 8-C Brooklyn, NY 11215-2393
nf.rosenberg@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

AS

Amber Sagar <du7che5@everyactioncustom.com>
Thu 7/15/2021 1:35 PM
To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Miss Amber Sagar
487 Elton St # 1L Brooklyn, NY 11208-3590
du7che5@gmail.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

BS

Billie Simpson <bilsimp1@everyactioncustom.com>

Sun 7/18/2021 10:43 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Billie Simpson
140 Debs Pl Apt 20F Bronx, NY 10475-2551
bilsimp1@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

JT

John Tusa <jjtusadesign@everyactioncustom.com>

Sat 7/17/2021 4:01 AM
To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. John Tusa
170 W End Ave Apt 30R New York, NY 10023-5402
jjtusadesign@aol.com

Reply | Reply all | Forward

Reply all | Delete | Junk | Block | ···

I support Gowanus Neighborhood Rezoning

SV

Sarah Valeri <sarahreneevaleri@everyactioncustom.com>

Fri 7/16/2021 8:52 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Ms. Sarah Valeri
15 Westminster Rd Apt 4E Brooklyn, NY 11218-2830
sarahreneevaleri@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

JV

Jennifer Villeneuve <villenej@everyactioncustom.com>

Sun 7/18/2021 8:35 AM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mrs. Jennifer Villeneuve
7 Dekalb Ave Apt 15D Brooklyn, NY 11201-8517
villenej@yahoo.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

CW

Clifford Warren <cliff@everyactioncustom.com>
Tue 7/13/2021 2:02 PM
To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Clifford Warren
496 3rd St Apt 2 Brooklyn, NY 11215-2973
cliff@cliffwarren.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

HW

Hilary Weiss <hw6288@everyactioncustom.com>
Wed 7/14/2021 5:39 AM
To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the "Gowanus Mix" the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Miss Hilary Weiss
267 6th St Apt 11F Brooklyn, NY 11215-3857
hw6288@gmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

MW

Michael White <mjwhite25@everyactioncustom.com>

Tue 7/13/2021 4:16 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the “Gowanus Mix” the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mr. Michael White
55 Ocean Ave Apt D4 Brooklyn, NY 11225-3618
mjwhite25@hotmail.com

Reply | Reply all | Forward

Reply all Delete Junk Block ···

I support Gowanus Neighborhood Rezoning

TW

Thadine Wormly-Herndon <tdw7quilter@everyactioncustom.com>

Thu 7/15/2021 11:22 PM

To: 19DCP157K_DL

Dear NYC City Planning Commission,

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin.

The Gowanus Neighborhood Rezoning is a unique opportunity to leverage private investment to deliver important benefits identified by the community. It will create much-needed affordable housing, accessible waterfront open space, and new infrastructure to reduce flooding and other adverse impacts of climate change, while keeping the “Gowanus Mix” the heartbeat of our neighborhood.

Just as important, this is the first City-led neighborhood rezoning to meet fair housing standards by providing below-market housing in a more affluent neighborhood, making the neighborhood more equitable and diverse than it is today.

As New York City emerges from the COVID-19 crisis, we cannot miss this opportunity to invest in the Gowanus community, support an equitable recovery, and plan for a more resilient future.

Sincerely,
Mrs Thadine Wormly-Herndon
6925 Kissena Blvd Apt 3A Flushing, NY 11367-1520
tdw7quilter@yahoo.com

Reply | Reply all | Forward

City Planning Commission Review
Gowanus Neighborhood Plan
ULURP Nos. C 210177 ZMK, N 210178 ZRK, C 210052 HAK,
C 210053 PPK, C 210179 MMK, C 210180 MMK
August 3, 2021

450 Union LLC, an owner of 450 Union Street (block 438, lot 7) along the Gowanus Canal, submits this testimony in support of the application for a rezoning of the area known as the Gowanus neighborhood. We are very appreciative of all the time and efforts made by the Department of City Planning (the Department), Council Members , Community Board 6, and all the additional community stakeholders to complete the exhaustive review in order to develop this thoughtful, robust and creative rezoning proposal. The draft zoning provides an accessible waterfront and resilient open space that is programmed with opportunities for both active and passive recreation. Such spaces would be surrounded by active ground-floor uses, including a diverse mix of retail and Gowanus Mix space, and the site of significant residential development including most the district's below-market housing units, much needed in an area that currently has none.

We look forward to fulfilling our role in executing this thoughtful vision through designing and developing a high-quality property. However, our ability to deliver on this vision will be severely jeopardized by the timeframe linked to the approval of the rezoning and securing permits for initial construction. This timing is associated with the current 421a Affordable Housing New York program (421a), which will provide a tax abatement linked to the provision of below-market housing units (in conjunction with requirements under Mandatory Inclusionary Housing) and which expires in less than a year. The ability to "vest" under the 421a program requires "commencement of construction" – which has been interpreted by the Department of Housing Preservation and Development to mean that excavation is underway, and construction of an initial footing has been completed – to begin prior to the program's expiration on June 15, 2022. Based on the current ULURP schedule, we are extremely concerned that without additional action, we will not be able to meet this deadline.

This timing issue has been caused by a variety of factors out of the City Planning Commission and Department of City Planning's control and which could not have been foreseen during the planning and outreach processincluding the:

- Suspension of ULURP activities in early 2020 due to the COVID-19 pandemic.
- Five-month delay of the ULURP schedule because of a temporary restraining order in a lawsuit brought entirely for the purpose of impeding certification and stopping the rezoning.

With specific focus on the waterfront sites, the path to qualify for vesting under 421-a faces a critical yet extensive additional approval pursuant to the Zoning Resolution's Waterfront Certification requirement. Prior to Department of Buildings approval of an excavation (required for vesting), waterfront sites are required to first obtain a Certification that development complies in all respects with the newly adopted Waterfront Access Plan (WAP) for Gowanus. Given the complexity of the WAP, and the many City Departments that must review and approve such plan, such Certifications can take many months to be processed and reviewed. Without action that moves the Certificate requirement to "prior to building permits" rather than "prior to excavation permits" , the future of the thoughtful and exciting waterfront vision is at risk, and with it, the creation of a waterfront esplanade that will drastically improve public access to the canal and potentially 70% of the projected below-market housing units.

Even though the benefits of the 421-a program in general will be the subject of discussion in the Legislature, the burden of an inadvertent ineligibility would fall entirely on the waterfront development sites that offer the multitude of public benefits around which the Gowanus rezoning plan is based upon. The mentioned solution would allow Upland sites to be able to proceed with their permits and foundations immediately after the plan is adopted by the Council, unburdened by waterfront Certification requirements. Currently, it is only the waterfront sites that require the additional step of a waterfront Certification before they can do so. Jeopardizing the ability to apply for 421a, which was integral to all of our hard work and extensive due diligence in preparation for ULURP, would most likely make the

execution of the fully realized waterfront vision impossible.

In light of the unique and limited circumstances discussed, we strongly urge that the City Planning Commission direct the Department of City Planning to remedy this issue directly as part of the rezoning by including a discrete amendment of the proposed Gowanus Plan text to allow excavation and installation of footings in the waterfront sites prior to issuance of the waterfront Certifications. We are well underway in designing the public access areas to the standards set forth in the rezoning, have designed our plans around full compliance with the regulations and as importantly, are genuinely committed to a quality waterfront experience for the residents and visitors alike. We will be pleased to work in conjunction with the Department staff to tailor a solution that accommodates our concern, meets the City's public policy goals, and reduces the risk of failing to achieve our collective vision.

City Planning Commission Review
Gowanus Neighborhood Plan
ULURP Nos. C 210177 ZMK, N 210178 ZRK, C 210052 HAK,
C 210053 PPK, C 210179 MMK, C 210180 MMK
August 2, 2021

Gowanus Forward, a group of owners of property along the Gowanus Canal, submit this testimony in support of the application for a rezoning of the area known as the Gowanus neighborhood. We applaud the efforts of the Department of City Planning (the Department), Council Members Brad Lander and Stephen Levin, Community Board 6, and the many community organizations and stakeholders to develop a thoughtful rezoning proposal, informed by extensive community engagement and thorough urban planning. The draft zoning lays out a vision for a waterfront that is accessible and inviting, lined with vibrant, publicly accessible, and resilient open space that is programmed with opportunities for both active and passive recreation, surrounded by active ground-floor uses, including a mix of retail and Gowanus Mix space, and the site of significant residential development including most the district's below-market housing units, in an area that currently has none.

We look forward to our role in fulfilling this vision through high-quality development along the canal. However, our ability to deliver on this vision risks being impacted by the timeframe associated with approval of the rezoning and securing permits for initial construction. This timing is linked to the current 421a Affordable Housing New York program (421a), which will provide a tax abatement associated with the provision of below-market housing units (in line with requirements under Mandatory Inclusionary Housing) and which expires in less than a year. In order to "vest" under the program, "commencement of construction" – which has been interpreted by the Department of Housing Preservation and Development to mean that excavation is underway, and construction of an initial footing has been completed – must begin prior to the program's expiration on June 15, 2022. Based on the current ULURP schedule and the uncertainty around timing of the actions that would be required after its conclusion, we are deeply concerned that without additional action, this deadline will slip out of reach.

Time pressure has been caused by factors out of the City Planning Commission and Department of City Planning's control, including the:

- Suspension of ULURP activities in early 2020 due to the COVID-19 pandemic.
- Five-month delay because of a temporary restraining order in a lawsuit brought solely for the purpose of delaying certification and stopping the rezoning.

Neither of these were foreseeable during the planning and outreach process.

For the waterfront sites in particular, the path to the level of construction that will qualify sites for vesting under 421a faces a critical additional approval pursuant to the Zoning Resolution's Waterfront Certification requirement. Prior Department of Buildings approval of an excavation (required for vesting), waterfront sites must first obtain a Certification that development complies in all respects with the newly adopted Waterfront Access Plan (WAP) for Gowanus. Given the complexity of the WAP, such Certifications can take months. Without action that eliminates the need for a Certification prior to excavation permits (but not building permits), the future of the waterfront vision is at risk, and with it, the delivery of approximately five acres of open space along a waterfront esplanade that will drastically improve access to and pedestrian experience of the canal, potentially 70% of projected below-market housing units, and other significant benefits anticipated as a result of the rezoning.

While the benefits of the 421-a program in general will be the subject of discussion in the Legislature, the burden of an inadvertent ineligibility would fall solely on the waterfront development sites that offer so much of the public benefit around which the Gowanus rezoning plan is based. Upland sites will be able to proceed with their permits and foundations immediately after the plan is adopted by the Council, unburdened by waterfront Certification requirements. It is only the waterfront sites that require the additional step of a waterfront Certification before they can do so. Jeopardizing the potential to apply

for 421a, which was assumed in all of our hard work and due diligence in the lead-up to ULURP, would likely make realization of the waterfront vision impossible.

We urge the City Planning Commission to direct the Department of City Planning to address this issue directly as part of the rezoning by including a discrete amendment of the proposed Gowanus Plan text which would allow excavation and installation of footings in the waterfront sites prior to issuance of the waterfront Certifications, under these unique and limited circumstances. We are well underway in designing the public access areas to the standards set forth in the rezoning, have based our site plans on our full compliance with the regulations and as importantly, are completely committed to a quality waterfront experience for residents and visitors alike. We will be pleased to work with the Department staff to tailor a solution that accommodates our concern, meets the City's public policy goals, and reduces the risk of failing to achieve our collective vision.

August 9, 2021

Olga Abinader, Director
Environmental Assessment and Review Division
NYC Department of City Planning
120 Broadway, 31st Floor
New York, N.Y. 10271

Re: Comments — Draft Environmental Impact Statement
CEQR No. 19DCP157K

As the CEQR lead agency acting on behalf of the City Planning Commission (CPC), the Department of City Planning has prepared a Draft Environmental Impact Statement (DEIS) under 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review) for proposed actions related to the development of the Gowanus Neighborhood Rezoning and Related Actions (hereinafter, "the Rezoning").

Voice of Gowanus (VoG) is a coalition of multiple community organizations representing the citizens working and residing in neighborhoods surrounding the befouled Gowanus Canal to resolve the many issues directly and adversely impacting the current and future health and safety of their families, residences, neighborhood, businesses, and community organizations, including assuring the ultimate restoration and cleanup of the Gowanus Canal to fishable/swimmable quality standards as the law requires.

VoG considers the Draft Environmental Impact Statement (DEIS) to be deficient in several key areas. Therefore the document fails to analyze sufficient accurate and meaningful data and information necessary to take the "hard look" required by environmental analysis law. VoG provides the following comments regarding changes to, and expansion of, the DEIS issued on April 19, 2021, necessary to provide an environmental impact statement compliant with the provisions of the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA) prior to any zoning changes.

Moreover, SEQRA is both a procedural and a substantive law. In addition to establishing environmental review procedures, "the law mandates that agencies act on the substantive information produced by the environmental review."[1] The Gowanus Canal and its surrounding land area are subject to multiple substantive legal mandates under law and Administrative Order with which New York City has yet to fully comply (or fully demonstrate compliance) regarding remediation and restoration of soil, air, and water assets. The DEIS cannot leave out critical data and information needed for the "hard look" because it may create a need for further compliance action.

The citizens residing, working, or running businesses in the Gowanus Neighborhood do not carry the burden of proving NYC is in violation—federal, state, and local agencies are responsible for that compliance burden, and elected officials are rightly exercising their oversight role when questioning if it has been met. Forcing citizens to spend time and funds to induce government agencies to fulfill their legal obligations to clean and restore the Gowanus Environment before adding further pollution loading to the system is its own form of injustice that compounds the continued exposure to a toxic legacy of polluted water, air and land.

[1] New York State Department of Environmental Conservation (NYSDEC). The SEQR Handbook, Fourth Edition, 2020, p. 3.

Gowanus Neighborhood Rezoning:

VoG Draft Environmental Impact Statement Comment Summary

- **No comprehensive or large-scale Rezoning of the Gowanus Neighborhood should occur until the Retention Tanks necessary to control ongoing pollution from Combined Sewer Outfalls discharging to the Gowanus Canal are built and operating as required under the legal mandates of the Superfund Record of Decision**

- **No comprehensive or large-scale Rezoning of the Gowanus Neighborhood should occur until the US Environmental Protection Agency (USEPA) independently verifies New York City compliance with the Long Term Control Plan implemented to control Combined Sewer Overflows into the Gowanus Canal and Water Quality Standards Compliance in accordance with its *2001 Guidance: Coordinating CSO Long-Term Planning with Water Quality Standards Review***

    - ***This includes monitoring and data collection sufficient to determine compliance with fecal coliform and other Water Quality Standards consistent with current designation requirements***

- **No Rezoning should occur until USEPA conducts a post-compliance review in accordance with its Guidance noted above and reconsiders whether the Gowanus Canal should be subject to a Total Maximum Daily Load (TMDL) limit for discharges consistent with the Canal's continued status as an Impaired Water under Clean Water Action §303.**

- **No Rezoning should occur until the US Department of the Interior, NY State Department of Environmental Conservation, and the National Oceanic and Atmospheric Administration complete the Natural Resources Damage Assessment required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Oil Pollution Control Act of 1990, and the Clean Water Act that resolves the "strong probability that a claim for damages" exists, assesses the damages, and determines liability.**

- **No Rezoning of the contaminated parcels comprising or—in the vicinity of—the three former Manufactured Gas Plant sites on the banks of the Gowanus Canal (Citizens, Metropolitan, and Fulton) can occur until:**

    - **The parcels are formally recognized and redesignated as Operable Units of the Gowanus Canal Superfund site, as they have effectively been since the Canal was included on the National Priorities List in 2010**

    - **The Citizens Manufactured Gas Plant site (also known as Gowanus Green and/or Public Place) is separately reviewed for potential inclusion on the National Priorities list if its soil, air, or water exposure levels meet the Hazard Ranking Score threshold of 28.5**

- **No Rezoning of any parcels in the Gowanus Neighborhood should occur without a fully compliant Impact Assessment meeting all applicable requirements under the National Environmental Policy Act, the State Environmental Quality Review Act, the City Environmental Quality Review Technical Manual, and Executive Order No. 91 of 1977**

    - **The Draft Environmental Impact Statement for the Rezoning currently under review does not meet applicable requirements for the reasons stated below.**

I. Background: A Unique and Terrible Toxicity

No where inside the boundaries of the New York Metropolitan Area does a neighborhood bear a greater toxic legacy than the environs of the Gowanus Canal. After draining valuable wetlands, the design deliberately created a doubly dirty dual use channel: first, a canal was cut to carry the means and ends of industrial production whose pipes and runoff discharged decades of uncontrolled toxic pollution into the Canal waterway; and second, the Canal water was used as an open sewer receiving billions of gallons of toxic drainage from businesses, homes, and streets both before and after federal law finally mandated wastewater treatment plants and other discharge relief for the poisoned waterways of New York.

From its inception, wet weather events proved too much for the Canal, and coupled with the growth of Brooklyn and the resulting changes in its drainage, the Canal became flooded with mud, sediments, and toxins making it difficult to navigate outside of high tide. Efforts to address water quality date back to the late 1800s, when the City contracted for the design of a tunnel between the head of the Canal and Buttermilk Channel to improve circulation and flush pollutants from the Canal. The intermittent operation of the flushing tunnel provided inadequate dilution for the pollution.[2] The accumulating toxic cocktail present in the water would come to include polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (better known as PCBs, the bane of the Hudson River), pesticides, metals, volatile organic compounds, coal tar, fecal matter and other "floatables," bacteria, and the equally destructive absence of dissolved oxygen necessary to sustain living organisms.

Even after 1972's sweeping amendments to the Federal Water Pollution Control Act of 1948, and passage of the Comprehensive Environmental Response, Compensation, and Liability Act in 1980 ("CERCLA," also known as the Superfund law), New York City actively resisted taking necessary steps to address the continued poisoning of a valuable water asset. In the 1990s, compliance officials launched a major enforcement action against NYC for severe violations of sewage control provisions of the Clean Water Act (CWA), culminating in multiple State Administrative Orders on Consent to reduce Combined Sewer Overflows in 2005 that have been repeatedly modified in 2011, 2012, 2014, 2015, and 2018.

And then finally in 2010—by which time the Gowanus Canal, along with its sister waterway, the Newtown Creek, had earned unique recognition as one of the most polluted waterbodies in the United States—the Canal was finally added to Superfund's National Priorities List, creating a second enforcement front to ongoing efforts under the CWA to force the City to control the sewage overflows poisoning the water, while also remediating the "Black Mayonnaise" of toxic accumulations in the Canal bed itself. Eliminating the continued discharges of sewer overflow and upland toxic releases into the Canal are mandated under the Superfund Cleanup Record of Decision along with remediating the Canal bed itself.[3]

---

[2] Notably, the Gowanus Flushing Tunnel opened for operations in 1911, and may have actually worked too well in its first decade—the New York City Department of Health shut down the last of the Raritan Bay oyster beds by 1927 to stop the spread of typhoid and other contagion spread by water-to-food contamination created by the successful pollution dilution solution.

[3] RECORD OF DECISION, Gowanus Canal Superfund Site Brooklyn, Kings County, New York, United States Environmental Protection Agency Region II, September 2013 (p. ii). https://casedocuments.darrp.noaa.gov/northeast/gowanus/pdf/Gowanus-ROD.pdf

II. DEIS Deficiencies

A. Conformance with Law and Due Process

1) The Rezoning presents a unique form of conflict of interest, requiring special scrutiny of the DEIS

The Gowanus Neighborhood targeted by this proposed Rezoning includes multiple areas of land and water that are subject to ongoing compliance requirements as a result of multiple enforcement actions tracking back at least to 1992. As this makes NYC both a proponent of this Action and the Respondent in significant open Administrative Orders, compliance with which are effectively a prerequisite to attempting any action that increases the pollution as yet not remediated or controlled.

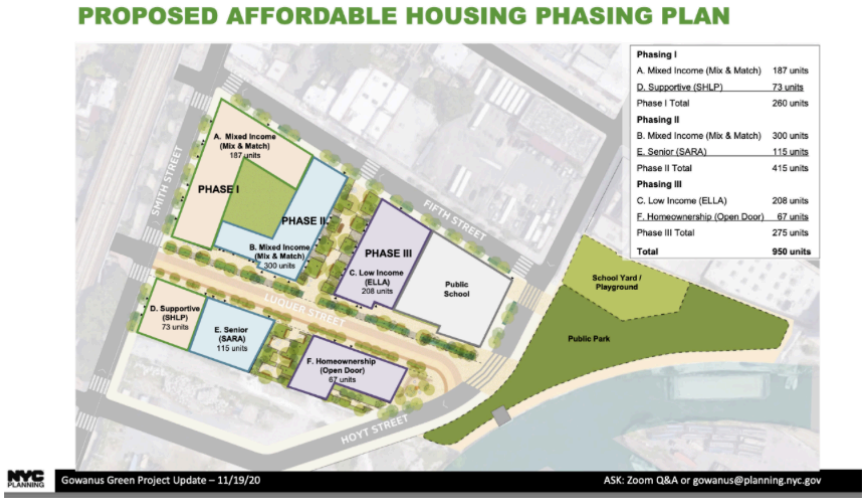
2) The DEIS must be revised to comply with the provisions and requirements of the National Environmental Policy Act

A portion of the Rezoning will affect a group of parcels on the canal banks currently called Public Place, where the City of New York is proposing to allow and facilitate the construction of an affordable housing complex called "Gowanus Green" and a public school. The area is in fact the highly contaminated former Citizens Manufactured Gas Plant (MGP) site being remediated by National Grid under the State Brownfield Program. As fully disclosed by the City of New York in the Draft Scope of Work (DSOW) for an EIS to rezone Public Place for the "Gowanus Green" project in 2008, then NYC lead agency, the Department of Housing Preservation and Development (HPD):

> "anticipate[d] the use of federal funding from the U.S. Department of Housing and Urban Development (HUD) including HUD HOME Investment Partnerships Program to facilitate the construction of affordable housing. It is expected that HOME funding may be utilized at a later date to facilitate the construction of affordable housing on the Project Site. ***Because HPD anticipates the use of federal funding, the Draft Environmental Impact Statement (DEIS) will also include the analyses required under the National Environmental Policy Act (NEPA).*** Under Code of Federal Regulations (CFR) Part 58, HPD has assumed the responsibilities for environmental review, decision-making and action that would otherwise apply to HUD under NEPA."[4] (Emphasis added)

As confirmed by updates reported for the Brownfield Cleanup in the Pre-Design Investigation (PDI) Work Plan issued July 14, 2021, (see Figure 1) and verbal statements on record at the Gowanus Superfund Community Advisory Group Meeting on July 27, 2021, by Michelle de la Uz of the Fifth Avenue Development Corporation, federal funding will again be sought for the development of Gowanus Green/Public Place through Federal Housing and Urban Development Programs.

Figure 1



The Proponents of the Rezoning have problematically suggested that because such federal funding is planned but not yet "secured," the provisions of NEPA do not apply. Unfortunately, neither the law, NYC's previous

[4] See: https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/gowanus-green-draft-scoping.pdf, p. 7.

disclosures in the 2008 DSOW for rezoning the same parcels, or current planning support such claims. Therefore, the DEIS must be redone under the requirements of NEPA and Code of Federal Regulations (CFR) Part 58.

3) The DEIS must include Cooperating and Involved Agencies under NEPA and SEQRA

Under NEPA (42 U.S.C. 4321 et. seq.), all agencies of the Federal Government are directed to prepare a detailed statement on "the environmental impact of the proposed action."[5] In addition, that section of the law provides that "***[p]rior to making any detailed statement, the responsible federal official shall consult with and obtain the comments of any federal agency which has jurisdiction by law of special expertise with respect to any environmental impact involved.***"[6] (Emphasis added)

SEQRA defines an "involved agency" as one that has or will have a discretionary decision to make regarding some aspect of the action. The N.Y. Comp. Codes R. & Regs., Title 6 §617.2 states:

> "(t) 'Involved agency' means an agency that has jurisdiction by law to fund, approve or directly undertake an action. If an agency will ultimately make a discretionary decision to fund, approve or undertake an action, then it is an "involved agency" notwithstanding that it has not received an application for funding or approval at the time the SEQR process is commenced. The lead agency is also an 'involved agency.'"

Federal agencies can be either or both Cooperating and Involved Agencies under NEPA and SEQRA respectively by: 1) granting specific permits; 2) "approving" development actions made necessary by the rezoning; and 3) requirements to assure compliance with multiple enforcement actions against NYC and other responsible parties, and 4) special expertise. Therefore, the Gowanus EIS should include the following agencies as Cooperating and/or Involved parties:

a. **USEPA**: Due to its highly specialized and vital expertise in remedy development, water quality maintenance, and the significant legal compliance requirements affected by the Rezoning, USEPA must be a party to the EIS, particularly to maintain Compliance Assurance responsibilities under two major federal statutes:

   i. Clean Water Act Compliance Assurance

   Sewage Backup Administrative Order No. CWA-02-2016-3012 (including SPDES permits for the Red Hook and Owls Head treatment plants) to New York City for violations of CWA Section 301 for failed operation and maintenance of its sewage Collection System. Sewer backup complaints have not been appreciably reduced since the Order was issued in 2016.

   CWA Section 303(d) Impaired Water Listing: unless the EIS can demonstrate loading from the additive development under the Rezoning can meet restrictions imposed by the 2015 Long Term Control Plan, EPA must reconsider impressing a Total Maximum Daily Load (TMDL) limit.

   NYS Department of Environmental Conservation CSO Administrative Orders on Consent:

   - Case No. R2-3351-90-12, June 1992 (Updated, 1996)
   - Case No. CO2-200000107-8, January, 2005 (modified by "2008 Order," "2009 Order," "2011 Order," "2012 Order," and "2015 Order,")

   ii. Comprehensive Environmental Response, Liability and Compensation Act Compliance Assurance (CERCLA, also known as "Superfund")

[5] NEPA Section 102(2)(c)(1).

[6] Ibid.

Superfund Record of Decision, September 2013: requires remediation of sediments and source controls

Multiple Retention Tank Administrative Orders on Consent: require the building of two large-scale retention tanks to control the current sewage overloads and exceedances

EPA must be involved in any analysis to assure the additive loading from cumulative development in the sewersheds will not compromise ongoing compliance activities or create impacts in the absence of compliance with the multiple Orders described

c. **NYSDEC**: The State DEC has filed an Order on Consent (CSO Order Modification to C02-20000107-8; DEC Case No. C02-20110512-25) for violations of Article 17 of the Environmental Conservation Law and Part 750, et seq., of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. This order is the enforcement basis for actions and monitoring required by multiple NYC Long Term Control Plans, including for the Gowanus Canal, and NYSDEC participation is needed to avoid authorizing of any action that interferes with legal compliance.

d. **Federal Emergency Management Agency (FEMA)**: Construction pursuant to this Proposed Action will occur in a major New York City floodplain, be subject to resiliency and other floodplain codes and requirements, and potential requiring access to federal and other insurance schema.

e. **Department of Housing and Urban Development (HUD)**: The Lead Agency under NEPA and also an Involved Agency under SEQRA. The full extent to which Federal funds will be used for capital, debt services, or lending leverage must be described in the EIS, as such monies are key to construction and operation. The EIS must also disclose how the proposed action will conform to HUD regulations under 24 CFR Part 58.

f. **US Army Corps of Engineers (USACE)**: 33 USC §407 makes it unlawful to aid, abet, authorize, or instigate a violation of the Rivers and Harbors Act §§ 13 (discharges), 14, and 15. Violators can be found guilty of a misdemeanor under §16 and face fine, imprisonment, or both. The Uplands area around the Gowanus Canal retains significant residual toxic material at depths of 100 feet or more, material that may migrate, leach, or otherwise enter the Canal, a tributary of the East River and New York Harbor, in the course of construction activities required to anchor buildings of the height contemplated on MGP and other contaminated sites. Since it is the duty of District Engineers to take notice of violations and take necessary steps to secure enforcement of the law, the USACE must be an involved party to the EIS to ensure proper analysis prevents aiding, abetting, authorization, or instigation (and upzoning would be clear instigation) of RHA violations.

Without full data, information, and participation of Federal Agencies assuring compliance with multiple enforcement actions ongoing for the Gowanus Canal, its soil environs, and its sewershed systems, the EIS fails to take the legally necessary "hard look."

Federal Agency designations as "Involved" in the 2008 Gowanus Green DSOW for redevelopment of the Citizens MGP site (discussed above) clearly demonstrate New York City understands the SEQRA law requirements. The 2008 DSOW states that for the Gowanus Green subset rezoning:

> "The Proposed Project would require additional city, state, and federal approvals. Specifically, the New York City Department of Parks and Recreation (DPR) will review and approve the proposed open space designs, layout, and furnishings. Discretionary approvals from the New York State Department of Environmental Conservation (NYSDEC) will be required for shorefront protection, new stormwater outfalls to the Gowanus Canal, and stormwater discharges. Federal approvals from the U.S. Army Corps of Engineers (USACOE) will also be required for shorefront protection and new stormwater outfalls to the Gowanus Canal.

> When permits and approvals are required from State and federal agencies, these agencies are defined as involved agencies under City Environmental Quality Review (CEQR)/the State Environmental Quality Review Act (SEQRA). Therefore, as the lead agency, HPD will coordinate the environmental review of the Proposed Project with other involved agencies."[7]

The current rezoning will still require USACE permits for shorefront protection and outfalls, and the DEC approvals are still necessary. However, since 2008, multiple new "approvals" as the term is clearly understood, have been added due to 1) the Gowanus Canal designation as a Superfund site, requiring all development actions be deemed consistent with the Superfund remedy and thus, "approved" by USEPA; 2) NYC was issued the Sewage Backup Order noted above, which also places compliance assurance approval requirements on USEPA for further development in the Red Hook and Owls Head sewershed areas affected by the Rezoning; and 3) the Gowanus Canal remains designated an "Impaired Water" under CWA Section 303, and USEPA is obligated to approve actions that can interfere with Long Term Control Plan compliance and trigger setting a TMDL.

The 2008 DSOW also set out the applicable federal statutes for the Gowanus Green rezoning subset. This legally required transparency stemmed from the recognition that Federal Funds from the Department of Housing and Urban Development would be used, a factor the current Administration has obfuscated, and only recently confirmed in published documents and public statements (see above). Just as in 2008, the following statutes and requirements must be analyzed for the Rezoning because of federal funding NEPA requirements, as well as Federal Agency Involved Status under SEQRA:

- Historic Preservation [36 CFR 800]; Section 106 of the National Historic Preservation Act;
- Floodplain Management [25 CFR 55, Executive Order 11988];
- Wetlands Protection [Executive Order 11990];
- Coastal Zone Management Act [Sections 307(c),(d)];
- Sole Source Aquifers [40 CFR 149];
- Endangered Species Act [50 CFR 402];
- Wild and Scenic Rivers Act [Sections 7(b),(c)];
- Air Quality [Clean Air Act (CAA), Sections 176(c) and (d), and 40 CFR 6, 51, 93];
- Farmland Protection Policy Act [7 CFR 658];
- Environmental Justice [Executive Order 12898];
- Noise Abatement and Control [24 CFR 51 B];
- Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33];
- Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]; and
- Airport Clear Zones and Accident Potential Zones [24 CFR 51 D].

The 2017 Final Scope of Work for the Gowanus Canal Combined Sewer Overflow (CSO) Facilities Project (the Superfund Retention Tanks) also included a partial list (Figure 2) of "Permits" and "Approvals or Equivalents" that trigger Involved Agency status (see also 2008 DSOW and regulatory references above).

Notably, the list failed to include the Long Term Control Plan as a compliance requirement, even though compliance is required to prevent the otherwise required setting of a Total Maximum Daily Load (TMDL) for all loadings into the Gowanus Canal (also, the Administrative Orders issued under the 2013 Superfund Record of Decision establish approval authority, not "coordination and consultation").

4) The DEIS fails to evaluate cumulative effects/impacts as required by both NEPA and SEQRA

Under NEPA, environmental "effects or impacts" are changes from the proposed action that are "reasonably foreseeable and have a reasonably close causal relationship to the proposed action," including those effects that "occur at the same time and same place as the proposed action or alternatives" and may include "effects

[7] 2008 DSOW for Gowanus Green, p. 7.

that are later in time or farther removed in distance from the proposed action or alternatives."[8]

SEQRA implementing regulations state that all draft EISs must include "reasonably related short-term and long-term impacts, ***cumulative impacts***, and other associated environmental impacts" (Emphasis added).[9] The SEQRA Handbook, recently released in its fourth edition, provides further guidance on the requirements for cumulative impact analysis, describing the multiple instances when cumulative impacts can occur:

- when the incremental or increased impacts of an action, or actions, are added to other past, present and reasonably foreseeable future actions
- a single action or a number of individually minor but collectively significant actions taking place over a period of time
- multiple actions that are in close enough proximity to affect the same resources (examples include construction along a single road segment, hydrological connections, or demands on the same water or sewer system).[10]

Figure 2

Potential Major Permits, Approvals or Equivalants, Consultation, and Coordination[1]— Gowanus Canal CSO Facilities

Agency/Entity	Permit/Approval/Consultation/Coordination
FEDERAL	
U.S. Environmental Protection Agency (USEPA)	CERCLA coordination and consultation
Coastal Zone Management Act	Projects affecting New York's coastal zone must be consistent with the Coastal Zone Management Act, through the New York State Department of State's Coastal Management Program and approved Local Waterfront Revitalization Plans
U.S. Army Corps of Engineers (USACE)	Permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act
United States Fish and Wildlife Service (USFWS)	Consultation under Section 7 of the Endangered Species Act; Biological Assessment; Federal Fish and Wildlife Permit
Advisory Council on Historic Preservation	Consultation under Section 106 of the National Historic Preservation Act of 1966
STATE	
New York State Department of State (NYSDOS)	Coastal Zone Management Consistency
New York State Department of Environmental Conservation (NYSDEC)	State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity - GP-0-10-001: erosion and sediment control and post-construction stormwater management in accordance with the stormwater pollution prevention plan (SWPPP)
	Individual SPDES Permit or Application Form NY-2C for Industrial Facilities (Dewatering activities requiring discharge to surface water)
	Modification to a SPDES Permit (Individual Permit) for Discharge of Wastewater from Publicly Owned Treatment Works (NY-2A) to remove inactive outfalls
	Tidal Wetlands Permit
	Long Island Well Permit and Approval of Completed Works
	Protection of Waters Permit Navigable Waters (Excavation or Fill)
	Section 401 Water Quality Certification
	Natural Heritage Program Consultation—consultation to determine potential presence of threatened or endangered species listed in New York State
New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)	Consultation to determine potential presence of archaeological and/or historic resources and determine project's potential effects
NEW YORK CITY	
New York City Department of City Planning (DCP)	ULURP for site selection, property acquisition, and an amendment to the City Map (street demapping for due diligence—not required to build the Project)), and potential site selection and zoning approvals.[2]
	New York City Waterfront Revitalization Program—Consistency Assessment

Note:
[1] Includes documentation of regulatory compliance under CERCLA through equivalent review by responsible agencies.
[2] ULURP for property acquisition and street demapping (Douglass Street) would be required for the Head End Facility. The Owls Head Facility would have a separate ULURP for property acquisition at a later time, and may potentially also require site selection and street demapping actions.

Cumulative impacts must be assessed when actions are proposed, or can be foreseen as likely, to take place simultaneously or sequentially in a way that the combined impacts may be significant. Assessment of potential cumulative impact assessment should be done under the following circumstances:

If two or more simultaneous or subsequent actions themselves are related because —
- One action is an interdependent part of a larger action or included as part of any long range plan,
- One action is likely to be undertaken as a result of the proposed action or will likely be triggered by the proposed action,
- One action cannot or will not proceed unless another action is taken or one action is dependent on another, or
- If the impacts of related or unrelated actions may be incrementally significant and the impacts themselves are related.[11]

By any measure, the accumulating sanitary sewage loading to the Red Hook and Owls Head sewershed from ongoing development are effects under NEPA and cumulative impacts under SEQRA. Appendix 1 to these comments includes a compilation of the full buildout in the Red Hook area from upzonings to Downtown Brooklyn and Atlantic Yards. A major upzoning of Governors Island is also underway, and the plain engineering reality is that if more sanitary sewage loading remains in pipes when rain begins, more commingled storm and sewer water will be discharged through CSOs into receiving waters like the Gowanus Canal. The additive loading from the Downtown Brooklyn and Atlantic Yards developments can be as high as 3 million gallons per day (gpd), and another 1 million gpd is forecast for Governors Island. The Gowanus Rezoning DEIS gives conflicting sewage loading data, including stating that total buildout under the Rezoning will add another 2.4 million gpd, of which 1.6 million gpd will load into the Red Hook system (The

[8] See: 40 CFR §1508.1(g).

[9] See: 6 NYCRR § 617.9(b)(5)(iii)(a).

[10] See: SEQR Handbook, Chapter 4, Section B (NYS Department of Environmental Conservation, 4th Edition, 2020)

[11] SEQR Handbook, Chapter 4.

cumulative impacts of Atlantic Yards to Gowanus is further supported by the actual inclusion of Gowanus CSO effects in Chapter 11 of the FEIS for Atlantic Yards).

The accumulated loading of these four large-scale developments throughout just the Red Hook sewershed is thus adding almost 6 million gpd to a current flow of 27 million gpd, approximately a 20% increase to a wastewater treatment plant system that relies on in-line storage and other aspects of dry weather sewage system operation to handle wet weather loading, CSO outfalls, and backups in the Gowanus.

USEPA acknowledged this major gap in necessary data disclosure when it called out problems with DEIS calculations in a July 13, 2021 letter to Congresswoman Velazquez:

> "As stated above, ***EPA has identified apparent errors in some of the DEIS calculations*** and will be providing comments on the document. EPA will review the revised calculations once the document is revised to address EPA's comments. It is expected that retaining additional stormwater on redeveloped lots will change the sewage-to-stormwater ratio in the combined sewer system during rain events by a small degree, ***but CSO loading originates from the entire sewershed,*** and the local changes derived from the proposed development may not be measurable." (Emphasis added)

The ongoing NYC practice in all its development EISs is to count only marginal increases in dry weather sewage generation against total plant capacity, as if each were separated/segmented unrelated actions. Failing to add up the total additive loading to the "entire sewershed" as USEPA points out amounts to a deceptive incrementalism that both violates cumulative impacts requirements, and indicates the EIS has failed to take a "hard look."

Meanwhile, this accumulated increase in sanitary loadings means less capacity is available to take stormwater flows, leading to potentially larger, longer, and more frequent CSO discharges into the Canal and other outfall locations, many of which are proximate to areas already subject to toxic conditions brought about by environmental injustice.

This need for full effects and cumulative impacts assessment extends to air emissions and solid waste management analysis as well, and may also have significant implications regarding the current DEIS analysis viability for transportation impacts.

5) The DEIS Must Fully Disclose All Ongoing Compliance Requirements and Potential Compliance Interference

Consistent with SEQRA mandates "that agencies act on the substantive information produced by the environmental review,"[12] the evaluation of environmental "impacts" includes identification, disclosure, and analysis of any aspect of a proposed project that is subject to laws, rules, and regulations other than SEQRA, CEQR, or Executive Order 91 process requirements. Actions and effects that extend beyond the impact category and represent potential violations of, or compliance interference with, laws, regulations, Orders on Consent, Administrative Orders, or any other enforcement action issued by Federal, State, or municipal authorities covering the operation and management area of the project must be evaluated and disclosed as part of any hard look taken by the EIS.

In the case of the Rezoning, these include (but are not limited to) requirements under the Clean Water Act, the Clean Air Act, Local Laws 66 and related state and local greenhouse gas control mechanisms, the Comprehensive Environmental Response Compensation, and Liability Act, the Rivers and Harbors Act, and the Stafford Act (as amended). If any action related to the Rezoning would interfere with execution of binding legal orders or decisions, or violate other lawful requirements, the zoning action should not proceed unless and until brought into compliance.

---

[12] See Note 1 above.

6) The DEIS Cannot Segment the Proposed Actions

Segmentation is a parallel concept to cumulative impact analysis. Part 617 of Chapter VI of the Codes, Rules, and Regulations of the State of New York defines segmentation as the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQRA. Like insufficient analysis of cumulative impacts, subdividing a project into smaller components to avoid disclosing detrimental effects violates the law.

Arguably, the arithmetic sleight of hand that is the "Reasonable Worst Case Development Scenario" constitutes a form of institutional segmentation embedded in the CEQR Technical Manual.[13] Development that would have occurred "without" the planned action cannot be segmented or excluded from the accumulated effects of an analyzed project. If the air, land, water, population, and economy of an area will be impacted by a proposed action that is additive to activity that will occur without it, then by definition the proposed action is cumulative. The analysis must therefore, provide a hard look at the effects of these accumulating and even compounding results, and not segment them.

The attempt to avoid NEPA review by withholding information on use of Federal Funds at the Gowanus Green/Pubic Place redevelopment on the Citizens MGP Site is arguably an improper attempt to segment the analysis, and only apply the fully required analysis requirements to a small portion of the project at an unspecified future date. In fact, the development of affordable housing at the Gowanus Green/Public Place site is integral to the entire rezoning as it will be used to satisfy Mandatory Inclusionary Housing provisions that enable the Rezoning.

B. The EIS Process under CEQR

The customary NYC practice for a EIS follows the procedures of the City Environmental Quality Review (CEQR) which are laid out in the CEQR Technical Manual. It is important to note that this manual is not a promulgated rule or regulation, and is subordinate to requirements of the State Environmental Quality Review Act (SEQRA), New York State regulations (Title 6 of the New York Codes, Rules, and Regulations), adjudicated case law, and in this case, NEPA and its regulations.

The CEQR Chapter analysis below focuses on three primary areas—Hazardous Substances, Sewer Infrastructure, and Greenhouse Gases, along with Flood Resiliency (which, although not a formal chapter, is a formidable concern for the buildout under consideration).

1) Hazardous Materials (Chapter 12)

The Rezoning proposes low-income housing be built on the site of a former manufactured gas plant where less stringent cleanup standards and requirements have been imposed under Brownfield Cleanup procedures than would normally be mandated for a Superfund action under State and Federal law. In addition, dozens more parcels have been identified as having or potentially having contamination present, including two other manufactured gas plants sites whose contamination is affecting the Canal and neighboring areas.

Under the CEQR, a hazardous materials assessment determines whether a proposed action may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The Technical Manual states that: "The potential for significant impacts can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposures; (b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources."

---

[13] City Environmental Quality Review Technical Manual, Chapter 2, Section B(400)

The hazards material assessment of the DEIS is minimal, compartmentalized, and inadequate to address the contamination risk and harm from rezoning and redeveloping on historically contaminated soils designated as Federal and State Superfund Sites overlapping multiple Brown/Blackfields draining into two overburdened sewage systems backing contaminated water up into homes and businesses in violation of one of several ongoing CWA Administrative Orders.

(a) *The DEIS fails to evaluate all the Remedial Investigation and Feasibility Studies conducted for the Manufactured Gas Plant sites to determine exposure risk from disturbance and construction from the Rezoning*

- Page 10-3 of the DEIS indicates that "a standard list of federal and state regulatory databases (per ASTM E1527-13) related to the potential for hazardous materials was reviewed" as part of analyzing hazardous material impacts.

- Although the DEIS indicates "subsurface contamination in the study area is likely to be principally associated with…[c]oal-tar and other contamination migrating from former MGP facilities," the data and information in key documents such as the 2005 Final Remedial Investigation for Public Place, the full Remedial Investigation and Feasibility Study for the Superfund Cleanup, and other published reports detailing the full extent of the contamination as currently known are not disclosed, discussed, or evaluated in relation to the impacts of allowing significant redevelopment and potential exposure to the Rezoning area.

- Considering the duration and severity of the toxicity and contamination in and around the Gowanus Canal and its Upland areas, page 10-18 of the DEIS rather indifferently concedes that:

> "***[a]ny redevelopment involving subsurface disturbance could potentially increase pathways for human exposure to any subsurface hazardous materials present***. Except for a limited number of sites that are already subject to an (E) designation (or already subject to DEC requirements, primarily those fronting the Canal, such as an administrative order) ***such soil disturbance would likely not be conducted in accordance with all of the procedures*** (e.g., for conducting testing before commencing excavation and implementation of environmental health and safety plans during construction) ***described in the following section.*** However, should petroleum tanks and/or petroleum spills be identified (e.g., during excavation for new foundations), regulatory requirements (including DEC requirements) would need to be followed. Off-site disposal of excess soil/fill would also need to be conducted in accordance with applicable federal and state requirements." (Emphasis added)

- The DEIS cannot punt full disclosure and mitigation requirements for redeveloping contaminated land to a perfunctory "regulatory requirements would need to be followed." This is precisely the type of segmented, kick-the-can-down-the-road invitation to continue ongoing unmitigated impacts that NEPA/SEQRA was enacted to prevent.

- ***Notably, if regulatory requirements had ever been followed in Gowanus, regulators would not be constantly issuing order after order to compel compliance.***

(b) *The DEIS must include a full analysis of soil characterization, institutional and engineering controls required to prevent exposure, vapor intrusion impacts, operation and maintenance of remedies, and all remedial requirements to prevent harm to human health should parcels be sold or transferred.*

(c) *The DEIS must also disclose data and information sufficient to demonstrate any future development will comply with the requirements of the 2013 Gowanus Canal Cleanup Record of Decision (ROD) that specifically states:*

> "To prevent recontamination of the canal following the implementation of the above-described remedial actions, the upland sources of hazardous substances, including discharges from three former manufactured gas plants (MGPs), CSOs, other contaminated upland areas and unpermitted pipes along the canal, must be

addressed prior to the commencement of, or in phased coordination with, the implementation of the selected remedy."[14]

(d) The DEIS must disclose the extent to which the Rezoning Proponent, New York City, has sufficiently budgeted for all remediation and exposure control requirements necessary to allow uses intended by the new zoning designations

- The DEIS appears to simply assume future compliance with all hazardous material exposure control requirements in the course of any development enabled by the Rezoning, including compliance by the City of New York. However, a clear pattern of compliance failure by the City of New York is already established in the Administrative Records for the multiple enforcement actions under the Clean Water Act, Superfund, and similar provisions of State laws.

- In light of past resistance and protracted cleanup delays, the DEIS must identify and review the funding streams currently budgeted in operations, maintenance, recapitalization and other categories that will remain available to complete the removals, remedies, and/or management practices necessary to comply with outstanding hazardous material compliance actions, and note deficiencies when compared to ongoing cleanup cost requirements.

(e) The DEIS fails to sufficiently address data, information, and impact analysis regarding residual toxics at the three MGP sites upland of the Gowanus Canal

- The requirements to remediate and control upland contamination (including non-aqueous phase liquid (NAPL) and associated polycyclic aromatic hydrocarbons (PAHs) discharged from the MPGs) is also re-stated in the ROD as a matter of statutory determination. Inadequate remediation could leave hazardous materials subject to rain and flood-based migration, risking re-contamination of the Gowanus Canal in violation of the Superfund ROD, the Clean Water Act, and the Rivers and Harbors Act.

- The DEIS must take a hard look at the potential for continued—and illegal—releases of toxic residuals from the site into the Canal under all applicable laws in conjunction with redevelopment (E.g., according to the Former Metropolitan Works MGP Manufactured Gas Plant (MGP) Program State Superfund (SSF) Program Fact Sheet, June 2020: "No impacts from this site have been identified into the adjacent portion of the Gowanus Canal. ***However, migration of coal tar from this site, in the form of non-aqueous phase liquid (NAPL), appears to have taken place at depths below the bottom of the canal.***" (Emphasis added)

- The DEIS must also include data and information regarding the consistency with law and regulation across New York State of applying restricted residential zoning (which would permit residential and school uses) on contaminated land, as well as the human health impacts of such land uses.

- The DEIS fails to evaluate the Environmental Justice equities of reusing contaminated land for low-income housing and a school, impacts that must particularly be assessed due to the real risk of New Yorkers in need of affordable housing being less likely to ask for the most basic health and safety protections in fear of being denied access to affordable shelter (see further comments below).

2) Water and Sewage (CEQR Chapter 13)

As noted in the cumulative impact comments above, the additive sanitary sewage component of Combined Sewer Overflows into the Gowanus Canal from the Red Hook and Owls Head sewersheds have or will grow by at least 20% based on only four major upzonings (and not including all other development growth). Some management practices implemented over the last 20 years, such as additional in-line or tank retention, green infrastructure, and system capacity improvements, have offset a portion of this major and continuing growth.

[14] The design costs of the in-canal portion of the remediation (dredging and capping of sediments) has been allocated between NYC and twenty other parties.

However, the DEIS as drafted contains multiple data, information and analysis gaps and flaws as well as out-of-date data use causing the current document to fall short of the hard look at the Rezoning required by law:

(a) Up-to-Date population levels for the Red Hook and Owls Head Sewershed are available to generate sewage flow data and must be used

- Neither population apportionment methods developed by DEP in 2014 (and used in the LTCP models) or the Appendix F Transportation Analysis Zone (TAZ) modeling (using only lots undergoing rezoning) provide accurate data as to actual population increases in the Red Hook and Owls Head sewersheds since the 2010 census numbers relied on were published
- Actual water use in NYC has only dropped 40 million gallons/day city-wide over the last decade.[15]
    - In addition, the FEIS for the Gowanus Canal Development known as the Lightstone Project on Bond Street states the Red Hook WRRF dry weather flow was 33 mgd in 2009, and notes that project alone added 114,032 gpd of sanitary sewage loading that is cumulative with the Rezoning
    - Appendix F of the DEIS claims the current dry weather flow to the Red Hook WRRF is only 24 mgd (a massive 33% decrease from 2009), in spite of the limited reductions in water use City wide, the addition of 3 inches of stormwater to the area (see below), and at least a 20% increase in water use from various developments
    - The DEIS fails to note if tanks and other mitigation measures required by the Atlantic Yards development have actually been built and could in any way be contributing to the significant reduction in dry weather flow in the face of countervailing flow increases
- The massive development in and around Downtown Brooklyn and Atlantic Yards, other accumulating development and population, as well as increases in commercial, recreation, and tourism populations must all be used to analyze and verify sanitary sewage baselines and analysis conclusions.[16]

(b) Up-to-Date rainfall levels consistent with current Climate patterns are available to generate accurate stormwater flow data and must be used

- As Table 1 shows, the JFK Airport Standard rainfall level from 13 years ago is entirely superseded by actual rainfall measurements. Rainfall across New York City areas is increasing, and annual rainfall in both the Red Hook and Owls Head areas are substantially above levels applied in various calculations and analysis.
- All sewage and stormwater calculations must use actual rainfall totals to assure the DEIS meets legal requirements for a "hard look" and avoids arbitrary outcomes.

(c) Gallon per Person calculations are inconsistent and arbitrary and fail to provide an accurate hard look

- Actual water consumption in New York City in 2020 was 118 gallons per person, per day (gpd). The CEQR Manual calculates water use and subsequent sewage loading at a rate of 100 gpd. The LTCP calculations used only 75 gpd, and Appendix F wastewater generation calculations assumed 73 gpd used in the segmented "RWCDS lots."
- No data is included in the DEIS that demonstrates or confirms that presumed "proactive water conservation efforts undertaken by developers in recent projects" have or will further reduce sanitary

---

[15] See Water Use Chart here: https://data.ny.gov/widgets/ia2d-e54m

[16] Development well in excess of the original 2004 Downtown Brooklyn Rezoning Plan is adding almost 12,000 dwelling units and potentially more than 2 million gallons/day to the Red Hook sanitary sewage loadings compared to the 1,000 additional residences estimated under the 2004 Plan. In addition, by 2030, two redevelopment options evaluated for Governors Island (the "University/ Research" and "Mixed Use" Options) are estimated to generate an incremental increase to the Red Hook WWTP of 1,120,856 gpd (+4.15 percent), and 888,456 gpd (+3.29 percent) over the current daily average flow, respectively.

flow in any significant level given most water conservation gains were made in the 30 years from 1979 to 2009, and have tapered off significantly since.[17]

- In addition, the CEQR Manual is clear as to the gallon per day levels that should be used in calculations.

(d) Combined Sewer System (CSS) Loading Rates in Table 11-4 Assign Arbitrary and Unsupportable Rain Duration Rates

- The DEIS "Flow Volume Matrix: Existing Conditions" (Table 11-4), which purports to show a current baseline flow of stormwater into sub-catchment areas (which happen to coincide with the surface metes and bounds of the Rezoning) contains two major data failures that violate legal and regulatory requirements for NEPA and SEQRA:

Table 1: New York Rainfall Rates and Levels

Rainfall Measurement Locations	Year of Measurement	2018 Liquid-Equivalent Precipitation Annual Total (Rainfall Inches)	2019 Liquid Equivalent Precipitation Annual Total (Rainfall Inches)
Central Park	2018	63.43	63.43
LaGuardia Airport	2018	57.55	57.55
JFK Airport	2018	56.17	56.17
Newark Airport	2018	58.18	58.18
JFK Airport (Standard 2008)	1955-2008	46.25	46.25
Central Park	1955-2018	47.35	47.35
LaGuardia Airport	1955-2018	43.15	43.15
JFK Airport	1970-2018	42.37	42.37
Newark Airport	1955-2018	44.33	44.33
Red Hook WRRF Drainage Area	2019	Not Provided	49.55
Owls' Head WRRF Drainage Area	2019	Not Provided	54.44

    - The delineation of "sub-catchment" areas as the zone of analysis is an improper segmentation of the Red Hook and Owls Head sewer systems that are the proper basis for analysis under both laws, and the CEQR Manual.

    - The presumption that rain inches correspond directly to rainfall durations is misleading. If rain fell according to schedule, the backups and overflows and street inundations seen regularly throughout NYC would not exist—yet they do.

(e) The DEIS fails to accurately identify and assess the knowable impacts from the "original drainage plan" which is a euphemism for 104 acres of the Gowanus Area that NYCDEP has acknowledged have no current sewer system piping or drainage (see also: Wastewater Watershed Facilities Plan)

[17] See Water Use Chart here: https://data.ny.gov/widgets/ia2d-e54m

- Page 16 of Appendix F states that "Any differences in HGLs [hydraulic grade line] due to rezoning projects must be noted and reviewed in detail to assess if those are acceptable based on the original drainage plan for the local sewers."
- "Original drainage plans" in Gowanus seems to refer to lots along the banks of the Canal comprising the 104 acres that do not drain to any sewer.
    - The last collection grate in the street are located on the west side of Bond Street on the west, and on Nevins Street or 3rd Ave on the east.
    - The modeling of existing conditions needs to specifically address and account for impacts occurring because these 104 acres remain totally unsewered and can drain directly into the Canal, which DEP once acknowledged are not sewered in Gowanus.
    - Notably, the Citizens MGP site (Public Place) doesn't currently drain stormwater into any sewer (a new sewer is projected for the new street on that site in the Rezoning). Sites in what are labeled TAZ Polygon 1584 on page 20 of Appendix F are parking lots that drain to the Canal, as are sites in TAZ 1566 which are located on the banks of the Canal, and this additive load must be factored into wet-weather calculations.
    - New sewer hookup to these sites will bring not just additional sanitary flow into the system but can send stormwater in excess of the required Uniform Stormwater Rule retention/detention rules.
    - The DEIS does not confirm or assess whether unsewered areas will become sewered under the 2012 and/or Unified Stormwater Rules so heavily relied on by Proponents for Gowanus area CWA compliance assurance
- The DEIS must fully disclose the impacts and effects of the Rezoning taking into account the lack of sewerage capture and flow capacity on a significant portion of the Gowanus area
- In general, the modeling and analysis in Appendix F is unsupportable and cannot be considered a valid "hard look" at the impacts to wastewater infrastructure and water quality in the Gowanus Area.

(f) *The DEIS Analysis Cannot Use Data Presumptions that include Superfund Retention Tank Completion*

- The DEIS estimates Superfund CSO Retention Tank buildout and completion in 2028 in Figure 11-4 in Chapter 11.
- In the 2015 Long Term Control Plan, NYC adopted analysis that did not consider the tank buildout necessary to meet water quality standards for the Canal, but conceded that meeting reduced levels for Total Suspended Solids (which provide an indicator of likely sediment recontamination) made the tanks necessary.
- In addition, USEPA first directed NYC to build the tanks in the 2013 Superfund ROD, issued two Administrative Orders in 2014 and 2016 to commence actions for construction, and has now issued a third AO in 2021 with which NYC has largely refused to comply.
- The ongoing and increasing NYC resistance and delay in tank buildout for 8 years renders any assumption of tank construction completion or operational tank retention capacity in Gowanus CSO calculations arbitrary and capricious in DEIS analysis or Reasonable Worst Case Development Scenarios calculations.

(g) *Multiple and conflicting CSO Discharge Increases are used in the DEIS and other NYC Reporting*

- See Table 2 Summary of multiple and inconsistent projections of sanitary flow added by project buildout.
- The inconsistent calculations and assertions of the DEIS regarding additive CSS loading to the affected sewersheds undermines the validity of impact conclusions; the data must be verifiable and accurate before

any Rezoning of this magnitude is approved for an already overburdened and degraded natural asset system.

(h) *The DEIS fails to assess changes to in-line storage and other CSO controls subject to change from cumulative development loading*

Table 2: Multiple Sanitary Flow Estimates

Existing Area Baseline	**189,308 GPD**
DEIS Text (p. 11-4)	**1.29 MGD**
DEIS Chart 11-8	**1.978 MGD**
DEIS Appendix F (Table 3-4)	**2.245 MGD**

- The capacity for in-line storage available as an active measure against CSOs is potentially reduced by cumulative development loading to those pipes, as well as infiltration due to sea-level rise.
- The DEIS must evaluate the extent to which CSO capacity is reduced by competing users of sewer system capacity or other water management requirements (including increased closure of tidal gates due to climate change), and cannot rely on presumptions of operational efficiency.

(i) *The DEIS fails to include key data on reduction or loss of historic stormwater retention capacity in calculating future CSO events and volumes*

- The DEIS relies on presumed retention capacity created under the 2012 Stormwater Rules, and the pending Unified Stormwater Rules.
- However, throughout the Red Hook and Owls Head sewersheds, development has eliminated historic stormwater detention and retention capacities such as that of the Vanderbilt Train Yards (covered by the Atlantic Yards Project). Although the City has promulgated a new stormwater rule regarding detention and retention, the loss of natural infiltration and/or recharge capacity must be calculated and offset against claims of retention improvement in DEIS calculations.
- In addition, a recent Canal-side development at 365 Bond Street has alarmingly high pathogen levels in the Canal water nearby; the DEIS should evaluate whether the unintended consequences of the 2012 and pending Unified Stormwater Rules will be incentives for building projects to avoid sewer loadings and avail projects of the option to discharge into the Canal.

(j) *The DEIS fails to disclose and analyze the impacts of the Rezoning on the excessive occurrence of Sewage Backups that remain subject to the 2016 Sewage Backup Administrative Order (AO)*

- On page 11-1, the DEIS states: "Ensuring these systems have adequate capacity to accommodate land use or density changes and new development is critical to avoiding environmental and health problems such as ***sewer back-ups, street flooding, or pressure reductions***." (Emphasis added)
- However, although the DEIS discusses manhole flooding, there is no data or analysis regarding sewer backups or pressure losses causing what NYC admits are ***"environmental and health problems."***

- In unsupportable reliance on full buildout of the Superfund Retention Tanks by 2035, the DEIS claims the number of flooded manholes and total surface flooding surface volume would be reduced between the No Action and With Action conditions should the 2012 Stormwater Rule and the proposed Unified Stormwater Rule actually be complied with in the Project buildout.

    - However, as noted in the 2016 AO issued by USEPA (cited above), the Proponent/Respondent's Management Report for fiscal year 2013 (July to June) states that approximately 4,221 Confirmed Sewer Backups occurred. And in fiscal year 2014, the Proponent/Respondent reported approximately 3,207 confirmed Sewer Backups in that year's Report.

    - The AO also noted there were 2,846 confirmed sewer backups reported in fiscal year 2015. However, NYC also reported that in fiscal year 2015 it received over 11,000 Sewer Backup complaints, which includes the 2,846 Confirmed Sewer Backups and significant number of Unconfirmed Sewer Backups.

    - USEPA noted that many of Respondent's Sewer Backups reoccur at the same location within the same year. The ongoing occurrence of thousands of backups per year, including repeat backups, was deemed an indication of continued inadequate operation and maintenance by Respondent in response to grease, debris, and heavy rain causes for the backups.

    - Brooklyn has the second highest number of backups reported among the five boroughs, and the unconfirmed backup reporting remains at well over 3,000 annual reports, the same amount as in 2015 before the order was issued.

- The DEIS completely fails to take a hard look at the immediate and cumulative effects and impacts, including the admitted environmental and human health problems, of adding multiple rezoning mega-developments and the concurrent increases in sanitary loading that will affect backups in Brooklyn sewer systems and potential compliance interference with the 2016 Backup AO.

(k) DEIS Lacks Adequate Analysis and Disclosure regarding Water Quality Standards Compliance

- According to a Bloomberg Administration Report on New York City's Wastewater Treatment System,

> "Heavy metals and other toxic chemicals, such as cadmium and mercury, solvents and pesticides, enter our wastewater treatment plants every day. Many of these substances come from industries and business that dispose of chemicals in their wastewater as part of their regulated industrial processes. They also come from people who use and improperly dispose of hazardous household items such as cleaning products, paints and pesticides. One potential source of lead and copper in wastewater comes from corroding pipes in existing building plumbing systems. Some toxins in wastewater begin as air pollutants that have fallen to the ground and are carried by rain water to our plants and waterways. Wastewater treatment plants cannot destroy all of these substances so they remain in small amounts (still below standards set by the State and federal governments) in the treated wastewater discharged to local waterways."[18]

  These toxic substances remain at full strength in the sewage outfall discharges through CSOs or backing up into homes and businesses.

- The Multiple CSO Control Orders issued to NYC between 1992 and 2012 culminated in the 2015 LTCP for Gowanus (as well as 10 other Plans throughout the City), which NYC maintains

[18] "New York City's Wastewater Treatment System" New York City Department of Environmental Protection, Document No. 206372 (undated), p. 11.

only requires meeting Water Quality Standards for pathogens, consistent with the ongoing designation of the upper Gowanus Canal as SD (saline waters usable only for recreation).[19]

- In spite of multiple legal requirements promulgated by and since the 1972 Clean Water Act to make all waters of the United States fishable and swimmable, NYC has failed to upgrade the Gowanus, and continues to apply water quality standards for SD waters from 6CRR-NY §703.3 (e.g., dissolved oxygen: not less than 3.0 mg/L at any time).
- In 2001, USEPA published *Guidance: Coordinating CSO Long-Term Planning with Water Quality Standards Reviews* which provides two methods for implementing CSO control:
    - The "***presumptive approach"*** under which achievement of performance criteria such as 85% by volume capture is presumed to meet WQS; or
    - The "***demonstration approach"*** for developing and implementing an LTCP that meets applicable WQSs.

  The Guidance clearly states that "Both approaches would entail post-construction compliance monitoring to demonstrate attainment of water quality standards." (p. 3)
- The requirement for post-construction compliance monitoring raises two issues for the legal sufficiency of this DEIS:
    - Any and all data and analysis pertaining to compliance with Water Quality Standards under the RWCDS, other scenarios, alternatives, and models must demonstrate consistency—if not direct sourcing—from the required compliance monitoring.
    - The need to assure demonstrated compliance and validity of CSO control efficacy and accurate use and application of compliance data reinforces the need for USEPA to be a cooperating and/or involved agency in the DEIS process (the 2001 Guidance was specifically cited and considered applicable to the Gowanus LTCP).
    - This Compliance Assurance responsibility cannot be abandoned because the parallel Superfund remediation is ongoing, especially in the face of direct evidence that NYC is neither taking affirmative actions to build the tanks within any timeframe under consideration, to the point of lacking adequate funding for even early stages of construction.

(l) To the extent the Rezoning proponents are relying on Water Quality Standards to be enforced as Applicable or Relevant and Appropriate Standards (ARARs) to achieve impact conclusions in the DEIS, these ARARs must be identified and analyzed in the DEIS

- The unexplained but seeming presumption of the DEIS is that both Red Hook and Owls Head WRRFs are achieving 85% capture rates at those plants, and therefore LTCP implementation coupled with the 2012 and Unified Stormwater Rules will effectively prevent or mitigate all potential adverse impacts.
- However, as discussed above, DEIS also presumes Superfund Retention Tank completion, but fails to disclose or analyze the full array of ongoing pollution and impacts completion of the Superfund remedy is expected to mitigate or eliminate necessary for a sufficiently hard look

[19] The inability or NYC to control for the multiple pollutants recontaminating the Gowanus Canal in spite of ongoing presumed Clean Water Act CSO and other discharge controls is viewed as a primary driver of listing the Gowanus as a Superfund site so as to assure actual cleanup.

(m) *The DEIS has not met CEQR requirements to assess the Rezoning effects and impacts to the Red Hook and Owls Head combine sewage and stormwater* ***system*** *capacities*

- Chapter 13 of the CEQR Technical Manual requires an EIS analysis to ***"assess whether projects undergoing review may adversely affect the City's water distribution or sewer system…."*** which includes the water assets that are the final repository for the effluent constituents (p. 13-1, Emphasis added).

- Recognizing water and receiving waterbodies as key components of the sewershed system is particularly critical for government actions that so directly affect the future water quality of an historically degraded and toxic water asset.[20]

- Comprehensive analysis is also required under CEQR Chapter 13, Section 420.1, which specifically recognizes that significant impacts on WWTPs, interceptors, regulators, and pumping stations may occur if the project would result in:

    - Inconsistency with the provisions of a Consent Order or other applicable regulatory program;
    - Significantly increased wastewater or combined flows that would affect sanitary or combined sewer pumping stations, regulators, or interceptors with limited or no existing capacity; or
    - Loadings that would exceed capacity per specific SPDES parameters and limits.

- At the time of the 2013 Superfund Cleanup ROD, it was understood that the EPA's cleanup plan required construction of two sewage and storm water retention tanks to significantly reduce CSO discharges from two key locations in the upper portion of the canal specifically because these discharges were not being addressed by current New York City upgrades to the sewer system. Without these controls, CSO discharges would re-contaminate the canal after its cleanup.

- For reasons that are not explained, the DEIS is basing most of its sewage infrastructure analysis and impact disclosure on the "average Monthly flow for the 12-month period through March 2017" to the WRRF as both a baseline and depiction of sewer system capacity availability. Not only is more recent data available, but reverting to five-year-old data that bypasses load measurement from multiple developments noted above throughout the sewershed that are adding approximately 20% more residential load, as well as additional large-scale commercial activity such as the Barclays Center, falls short of the hard look required and begs the question as to why available recent data is not used.

(n) *Wet Weather Flows Must Be Fully and Accurately Disclosed and Analyzed*

- The rated wet-weather capacity of the Red Hook and Owls Head WRRFs (amounting to twice the daily dry weather flow or 2xDDWF) are 120 and 240 million gallons per day (MGD), respectively, both of which limits are regularly exceeded, forcing sewage and stormwater into Combined Sewer Outfalls (CSO) feeding the Canal
- Gowanus CSO outfalls discharge 293 million gallons, and two stormwater outfalls discharge 59 million gallons of stormwater annually into the Canal that is not, or can not be, captured

[20] The entire purpose of a sewer system is to use water to push and carry toxic material to locations where the toxins can be treated and released back into…water. Additive and cumulative system discharges (particularly toxic bacterial and chemical contaminants contained therein) compound impairment and degradation already affecting water assets such as the Gowanus Canal, which remains on the Clean Water Act Section 303 List of Impaired Waters (UB-EB-1) (1701-0011). USEPA has postponed issuance of a Total Maximum Daily Load (TMDL) cap on CSO discharges as long as the Long Term Control Plan brings the water assets up to statutory quality standards.

and treated by either WRRF under current sewer system design, permit, and capacity limitations

- As Table 3 indicates (derived from actual SPDES reporting), both plants currently capture well below 100% of the actual runoff and sanitary flow occurring in wet weather events.[21]
  - The "capture rates" at both WRRFs has increased, in spite of major increases of sanitary loading from development and population increases, and substantial increases in rainfall levels, such that both plants are "achieving" the presumptive 85% capture rate
  - Notably, the year-on-year increases to both the Red Hook and Owls Head capture rates and decreases to average daily flow rates shown in Table 3 coincide with a change to NYCDEP calculation methodologies in the Annual CSO Reporting that is not explained in the DEIS. The July 2020 CSO Report discontinued use of standardized rainfall rates in the capture rate modeling, and switched to actual rainfall levels for the sewershed analyzed (see Table 2).

Table 3: Combined Sewer Capture Analysis Components 2018-2019

	Owl's Head 2019	Owls Head 2018	Red Hook 2019	Red Hook 2018
Drainage Total (acres)	10,078	10,078	3,738	3,738
Combined Sewage Drainage (acres)	9,448	9,448	2,991	2,991
Average Dry Weather Flow (MGD)	81.6	85.6	26.2	32.7
Design Dry Weather Flow (MGD)	120	120	60	60
Maximum Wet Weather Flow (MGD)	244	247	126	125
Permitted Wet Weather Flow (MGD)	240	240	120	120
Combined Sewer Capture Rate (Actual)	74%	71%	92%	85%
Combined Sewer Capture Rate (Standardized)	Not Calculated	68%	Not Calculated	83%

- In spite of multiple change factors affecting flow, including actual measurements exceeding the standard rate year-on-year by 3.30" (Red Hook) and 8.19" (Owls Head); the addition of significant sanitary flows from Barclays Center, Downtown Brooklyn development, and other residential and commercial add-ins; loss of historic retention capability; and changes to in-line storage and tidal operations, both plants reported a lower daily average flow rate into the plants—and increased their capture rates—with no discernible upgrades to either plant's capacity.[22]

---

[21] 14 Wastewater Resource Recovery Facilities SPDES Permits/Combined Sewer Overflows Best Management Practices, ANNUAL REPORTS, Bureau of Water Treatment NYCDEP (January 1, 2018 - December 31, 2018, issued May 2019; and January 1, 2019 - December 31, 2019, issued July 2020). (Hereinafter, "CSO Report")

[22]According to the US Geological Survey, one inch of rain drops 27,154 gallons of water per acre. Multiplying the inches, gallons falling, and drainage acreage affected (3.30 x. 27,154 x 2,991) presents the possible addition of 268 million gallons to the Red Hook system that the SPDES Report is not clear was taken into account in the new calculations.

- Again, the DEIS does not provide any compliance verification of this suggested increase in capture data consistent with USEPA 2001 CSO Guidance

3) Air Emissions and Greenhouse Gases (Chapters 15 and 16)

The Clean Air Act (CAA), as amended in 1990, defines non-attainment areas (NAA) as geographic regions that have been designated as not meeting one or more of the National Ambient Air Quality Standards (NAAQS). When an area is designated as non-attainment by EPA, the state is required to develop and implement a State Implementation Plan (SIP), which delineates how a state plans to achieve air quality that meets the NAAQS under the deadlines established by the CAA, followed by a plan for maintaining attainment status once the area is in attainment. As noted on page 15-8 of the DEIS, the State Environmental Quality Review Act (SEQRA) regulations and the CEQR Technical Manual states that the significance of predicted air emission consequences of a project (i.e., whether it is material, substantial, large or important) should be assessed in connection with its setting (e.g., urban or rural), its probability of occurrence, its duration, its irreversibility, its geographic scope, its magnitude, and the number of people affected.[23] "***In terms of the magnitude of air quality impacts, any action predicted to increase the concentration of a criteria air pollutant to a level that would exceed the concentrations defined by the NAAQS (see Table 15-1) would be deemed to have a potential significant adverse impact."[24] (Emphasis added)***

On July 19, 2017, DEC announced that the New York Metropolitan Area (NYMA) is not projected to meet the July 20, 2018 attainment deadline for the criteria pollutant Ozone, and DEC therefore requested that EPA reclassify the NYMA to "serious" non-attainment for that pollutant. EPA reclassified the NYMA from "moderate" to "serious" NAA effective September 23, 2019, which imposes a new attainment deadline of July 20, 2021 (based on 2018-2020 monitored data). On April 30, 2018, EPA designated the same area as a moderate NAA for the revised 2015 ozone standard. SIP revisions are due by August 3, 2021.

(a) <u>As the "attainment area" for New York is a geographic "setting" and "scope" beyond the immediate area of the Rezoning, the DEIS must evaluate the full cumulative impacts of the Rezoning in conjunction with loading from collocated growth and development occurring throughout the designation-wide attainment areas</u>

- Although the DEIS claims the Proposed Actions would not have a significant effect on the overall volume of vehicular travel in the metropolitan area, and therefore, no measurable impact on regional NOx emissions or on Ozone levels is predicted, the additive emissions from the proposed action to other actions affecting the same attainment area airshed as the Gowanus Area requires cumulative impact analysis for the reasons noted above in Section A
- The requirement for cumulative impact analysis is especially compelling for Ozone, as the NYMA is in Serious Non-Attainment for that pollutant.

(b) <u>The DEIS fails to take a hard look at whether and how Greenhouse Gas emissions from the Rezoning will be controlled in accordance with reduction requirements under state and local laws</u>

- Local Law 66 added a new target of reducing citywide GHG emissions 80% by 2050 from the baseline year of 2012.

---

[23] See: CEQR Technical Manual.Chapter1, Section 222, March 2014; and SEQR Regulations, 6 NYCRR §617.7.

[24] Ibid.

- The City can claim a 15% greenhouse gas emission reduction from the 2005 baseline, but since registering the lowest output in 2012, greenhouse gas emissions have remained largely constant (with 2019 actually recording higher levels than 2012).[25]
- At the state level, the Climate Leadership and Community Protection Act of 2019 establishes emission reduction limits as well as additional goals to address climate change including:
    - Limiting statewide greenhouse gas emissions to 40% of 1990 levels by 2030 and 85% by 2050
    - A plan to achieve net zero greenhouse gas emissions across New York State's economy
    - 70% renewable electricity by 2030
    - 100% zero emission electricity by 2040
- The DEIS lacks the required analysis of these compliance requirements or data and calculations that show planned development will not interfere with compliance with these legal mandates.

(c) The DEIS analysis of state and local greenhouse gas control impacts must also be cumulative

- Like all other fugitive loadings to airshed, sewershed, waterbodies, and other publicly owned natural assets, the analysis of greenhouse gases must include cumulative loadings entering the same air and water systems.

(d) The DEIS presents countervailing/contradictory propositions about resiliency controls that are arbitrary and insufficient to meet "hard look" requirements for a massive project being built in a flood zone

- DEIS Chapter 16 states that "Standards for analysis of the effects of climate change on a proposed project are still being developed and have not yet been defined in CEQR. However, the Waterfront Revitalization Program (WRP) addresses climate change and sea-level rise. The WRP requires consideration of climate change and sea-level rise in planning and design of development within the defined Coastal Zone Boundary (a substantial portion of the Project Area is within that zone). As set forth in more detail in the CEQR Technical Manual, the provisions of the WRP are applied by the New York City Department of City Planning (DCP) and other City agencies when conducting environmental review. The Proposed Actions' consistency with WRP policies is described in Chapter 2, "Land Use, Zoning, and Public Policy," and Appendix B.
- The DEIS then asserts: "Since most sites would be developed as a result of the Proposed Actions, but would not otherwise be controlled by the City, and because implementing specific resilience measures for each site prior to design while considering local street and utility elevations and the effect on existing buildings is not practicable, addressing resilience for those sites through the Proposed Actions is not practicable."
- It further states: "New York City is aware of the potential current and future flooding potential in the Gowanus area, and is considering long-term solutions. The City's long-term process for addressing coastal flooding risk in New York City may ultimately include large-scale projects providing coastal protection."
- New York is a vulnerable coastal city—susceptible to storms, sea level rise, flooding, and other adverse climate change effects, especially in areas such as the Gowanus where the natural marsh, stream, tidal exchange and wetland assets best able to ameliorate coastal endangerment have been systemically destroyed.
- There is no evidence presented in the DEIS that NYC, the CPC, the DEP or any other City Agency lacks the authority or capability to control future, foreseeable development in a floodplain subject to superstorms, hurricanes, and rainfall sufficient to makes streets into rivers, all of which can include the industrial and sewage contamination.

---

[25] See: NYC Mayors Office of Sustainability, Greenhouse Gas Inventory https://nyc-ghg-inventory.cusp.nyu.edu

- In light of the near decade since Superstorm Sandy, standards for analysis of effects of climate change are overdue, and NYC as a zoning proponent cannot again punt responsibility to provide full disclosure and analysis of these effects because it fails to act as a zoning regulator.

(e) The CPC as proponent of the proposed action is disqualified as the reviewing agency for the Waterfront Revitalization Program Consistency Assessment Form

(f) The DEIS fails to include useful or accurate Waterfront Revitalization and Resilience analysis to meet the hard look regarding Climate Change needed for so vulnerable an area

- The DEIS claims the Proposed Actions would be consistent with the City's Waterfront Revitalization Program (WRP) and cites a WRP Consistency Assessment Form (WRP #19-036) that was reviewed by DCP's Waterfront and Open Space Division.
- The Consistency Assessment Form concluded that the Proposed Actions would support the applicable policies of the City's WRP, but at least 6 sections contained unanswered queries, invalidating its use as sufficient for a hard look under NEPA/SEQRA requirements.
- The DEIS suggests that no one is responsible for assuring all increases in flooding risk created by foreseeable effects of the Rezoning and that indeterminate "long-term solution" are under consideration.

4) Flooding and Resiliency (Natural Resources, Chapter 9)

New York City has dangerously flooded before, and faces continued risk of coastal, tidal, and inland floods, as well as separate or compounding flooding from inadequate sewer system capacity. In Gowanus, coastal, tidal, and urban drainage/flash flooding are, according to the Mayor's Office of Recovery and Resiliency, "a primary concern"[26] borne out by the experiences of recent hurricanes and severe storms.

(a) The DEIS chapter assessing Natural Resources confirms the multiple Federal and State statutes with which the Rezoning actions will have to comply, necessitating Cooperating and Involved Agencies in DEIS preparation

- This list reiterates the significant Federal and State involvement necessary to take the mandated hard look at the full impacts of the proposed mega-Rezoning that necessitates the noted agencies act at Cooperating or Involved Parties.
- The significant implications of assuring ongoing compliance with these statutory and regulatory requirements to prevent adverse impacts is not sufficiently evaluated or analyzed in the DEIS.

(b) The DEIS fails to assess flood risk occurring from changes to the floodplain, flood water pathways, and/or distribution from high-rise and large-scale structure development near and around the contaminated Gowanus

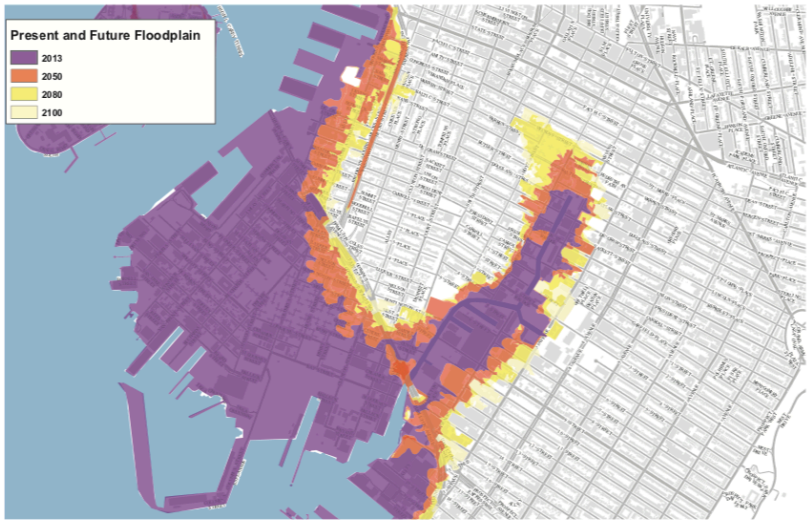
- On Page 9-2, the DEIS claims the Proposed Actions would not affect the flood elevation and would not increase risks from flooding in the study area, but does not offer any detailed analysis of the effects of buildout under the upzoned FAR and bulk allowances
- On Page 9-21, the DEIS agains claims, "Development under the Proposed Actions within the floodplain would not affect the flood elevation or increased risks due to flooding in the study area" yet provides no data or analysis comparing the current topography and structures with the topography and structural placement that would occur under the Proposed Action.

---

[26] See: https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/gowanus/resiliency-boards-pt1-1216.pdf

(c) *The DEIS fails to assess impacts to the floodplain and risks to established neighborhoods from changes to the Gowanus Canal embankments and uplands areas from a Waterfront Access Plan*

- The DEIS indicates a planned Waterfront Access Plan (WAP) would modify requirements and standards for public access and modify typical dimensional and grading requirements, permitted obstructions, and design standards for public access, to allow and encourage unique design solutions that are impossible under standard Waterfront Public Access Areas (WPAA) regulations, such as flood-resilient esplanades.
- The DEIS fails to evaluate how this WAP would prevent adverse impacts to surrounding areas in the event of flooding



(d) *The DEIS fails to evaluate the impacts of the City of New York appeal of FEMA's preliminary flood insurance rate maps on June 26, 2015, following an independent review that claimed scientific and technical errors in the maps.*

(e) *The DEIS failed to identify or evaluate the impacts of the Rezoning on ongoing compliance with the Rivers and Harbors Act, which DEIS Chapter Nine notes as controlling authority*

- Any residual contamination left in the uplands MGPs, or other contaminated land and facilities, is arguably subject to potential violation of the Refuse Act (Section 13 of the 1899 Rivers and Harbors Act,) for ongoing discharges, as well as "any refuse matter of any kind or description whatever" entering the Canal from inundation and flooding.
- Releases into the Canal arguably create and continue conditions that impede navigation of the Canal, including stench, airborne particulates and chemicals, oil slicks, and floating objects, inter alia.

5) Environmental Justice

(a) *The DEIS fails to include the requisite assessment of environmental justice following the guidance of the Council on Environmental Quality, EPA, and HUD*

- Actions requiring compliance with the Executive Order 12898 include those in which the Project Site or neighborhood suffers disproportionately from high adverse environmental impacts on low income and/or minority populations relative to the community at large.
- The CPC, DCP, and HPD, as proponents of the Rezoning, are units of general purpose government acting under an assumption of HUD environmental review responsibility, and therefore must comply with the provisions of Executive Order 12898 (1994) to identify and address, to the extent practicable, disproportionately high adverse human health or environmental effects of their programs, policies and activities on minority and low income populations.
- Multiple aspects of the Rezoning, particularly plans to build low-income housing on the former site of a highly contaminated manufactured gas plant, will create potentially significant adverse

impacts to sensitive receptors from noise and odors, as well as vapor infiltration from contaminants within a building or underlying soil that may result in significant adverse hazardous materials or air quality impacts.

(b) The DEIS fails to assess impacts to surrounding communities from sewage management practices, particularly communities already subject to environmental injustice conditions

- The extent to which loading from the Rezoning area into the Bond-Lorraine sewer and related interceptor and other Red Hook Sewer system capacity creates CSO discharges in the Red Hook neighborhoods must be assessed

(c) The DEIS fails to identify communities of concern that could be affected by the Rezoning, particularly communities subject to increased or disproportionately high flood risk and resulting adverse human health or environmental effects from the project.

(d) The DEIS fails to evaluate the proposed Rezoning impacts on the Integrated Flood Protection System (IFPS) intended to protect vulnerable Environmental Justice Communities encompassing the project area that remain subject to flood risk from coastal storms and sea level rise

6) Inadequate Sewage Analysis Has Been the Basis for Zoning Rejection

- As recently as December 8, 2020, the Supreme Court in Kings County overturned a rezoning action on the grounds that the proponents had failed to assess water and sewage impacts in accordance with legal requirements.[27] The Court found, in pertinent part:

> "[T]he environmental assessment and accompanying applications call into question the sufficiency of the lead agency's examination, analysis and conclusion regarding the environmental effect of the proposed action…and having determined the applications and REAS in this case were rife with inconsistencies and DCP failed to take a hard look at the environmental impacts on water and sewer, the Court need not address the remaining arguments of the parties to determine whether annulment is warranted. Accordingly…the determination of DCP is annulled on the grounds its determination was not rational or supported by the record."[28]

- Not only might the Rezoning be invalid on sewage adequacy grounds, given the realities of historic City recalcitrance toward cleaning up the Canal, remediating the upland contamination, and attaining WQSs since the turn of the century, a "Hookup Moratorium" may be an appropriate prerequisite to any rezoning action in and around the Owls Head/Red Hook sewersheds pending execution of the Gowanus LTCP, full compliance with the Consent and Administrative Orders (including completed tank construction), and completion of at least the Canal dredging portion of the Gowanus Superfund cleanup.

III. Summary

The Draft Environmental Impact Statement (DEIS) for the Gowanus Neighborhood Rezoning is legally deficient, and fails to take a hard look at the foreseeable effects and impacts of upzoning a

---

[27] Matter of Boyd v Cumbo 2020 NY Slip Op 51462(U) https://law.justia.com/cases/new-york/other-courts/2020/2020-ny-slip-op-51462-u.html

[28] Ibid, p.11.

neighborhood where the adverse effects of continuous use of the Gowanus Canal as both an industrial dumping ground and unsanitary sewer remains. The failure to accurately disclose critical data to the public, and related analysis and assessment regarding all likely adverse impacts, would disqualify any Uniform Land Use Review Procedure (ULURP) approval action taken.

In spite of multiple separate yet overlapping and intertwined discharge control and cleanup compliance and enforcement orders, the Gowanus remains a sewer canal. The responsibility to follow the law and regulations consistent with Due Process and Compliance Assurance in the Rezoning lies with New York City and the related proponents of the Rezoning. The burden of demonstrating compliance with NEPA, SEQRA, CEQR, CWA, Rivers and Harbors Act, CERCLA (Superfund), Coastal Zone Management Act, Fair Housing Act, and related, applicable state and local law is also squarely on NYC as the Rezoning proponent. Significant changes to the DEIS are necessary before the FEIS is published and Findings can be issued that would legally support the proposed action.

Thank you for the opportunity to submit these comments and participate in the EIS process.

Very truly yours,



Jack Riccobono
Co-Chair, Outreach Committee
Voice of Gowanus



Linda LaViolette
Co-Chair, Outreach Committee
Voice of Gowanus

Cc:

The Honorable Charles Schumer
The Honorable Kirsten Gillibrand
The Honorable Nydia Velázquez
The Honorable Jerrold Nadler
The Honorable Letitia James
The Honorable Jabari Brisport
The Honorable Jo Anne Simon
The Honorable Marcela Mitaynes
The Honorable Scott Stringer
The Honorable Jumaane Williams
The Honorable Eric Adams
The Honorable James F. Gennaro
The Honorable Eric A. Ulrich
The Honorable Stephen T. Levin
The Honorable Darma V. Diaz
The Honorable Carlos Menchaca
Jaime Pinkham, Assistant Secretary of the Army for Civil Works, USACE
Deanne Criswell, Administrator, FEMA
Michael Regan, Administrator, USEPA
Sean W. O'Donnell, Inspector General, USEPA
Lawrence Starfield, Acting Assistant Administrator, Office of Enforcement and Compliance Assurance, USEPA
Brenda Mallory, Chair, Council on Environmental Quality, Executive Office of the President
Cecilia R. Martinez, Senior Director for Environmental Justice, CEQ, EOP

Matthew Tejada, Director, Office of Environmental Justice, USEPA
Charles Lee, Senior Policy Advisor, Office of Environmental Justice, USEPA
Barry Breen, Acting Assistant Administrator, Office of Land and Emergency Management, USEPA
Radhika Fox, Principal Deputy Assistant Administrator, Office of Water, USEPA
Stephen E. Murphy, Deputy Regional Administrator HUD
Letizia Tagliafierro, NYS Inspector General
Basil Seggos, Commissioner, NYS Department of Environmental Conservation
Sean Mahar, Chief of Staff, Environmental Justice, NYS DEC
Margot Brown, AVP, Environmental Justice & Equity, Environmental Defense Fund
Mark Izeman, Senior Director, Natural Resources Defense Council
Suzanne Novak, Senior Attorney, Earthjustice
Michael Dulong, Senior Attorney, Riverkeeper

x PH06 - 06 - O - Marrissa Williams: testifying on this project anymore.

1150
02:05:59.220 --> 02:06:00.390
120 Broadway Hearing Room: Okay, thank you very much.

1151
02:06:01.530 --> 02:06:02.520
120 Broadway Hearing Room: No problem, thank you.

1152
02:06:04.050 --> 02:06:09.780
120 Broadway Hearing Room: Okay, and so, with that i'll ask if anyone else has signed up to speak on this matter.

1153
02:06:12.300 --> 02:06:23.490
120 Broadway Hearing Room: No, there are no further speaker signed up and if anyone present in the room, wishes to speak on this matter to 70 nostrand avenue, that is in brooklyn please come forward.

1154
02:06:25.230 --> 02:06:26.430
Madame Secretary: Seeing on the public hearing.

1155
02:06:26.430 --> 02:06:26.970
120 Broadway Hearing Room: is closed.

1156
02:06:28.440 --> 02:07:07.140
Madame Secretary: Of a Borough of brooklyn Ellen number 44 through 49 these two and 6044 3210177 the mk on the number 45 and 210178 rk counter number 4062 10179 and mk how number 47 22101808 founder number 48 see 210053 PP K l number 49 321005 to the.

1157
02:07:08.430 --> 02:07:15.480
Madame Secretary: Public carry in a matter of applications for zoning map the map only text amendments this traditional city on.

1158
02:07:15.480 --> 02:07:21.060
Madame Secretary: properties, you have designation and project approval concerning go on us neighborhood plan.

1159
02:07:22.350 --> 02:07:33.570
Madame Secretary: No it's a public hearing is being held by the city planning Commission in conjunction with the above your parents to receive

comments related to address environmental impact statement this taryn is being held.

1160
02:07:33.600 --> 02:07:35.670
Madame Secretary: to sue and sue the state environmental quality.

1161
02:07:35.670 --> 02:07:38.490
Madame Secretary: Review Act and the city environmental quality review.

1162
02:07:40.530 --> 02:07:48.540
120 Broadway Hearing Room: On those that there will not be a presentation, as we had a complete presentation on Monday, and we will follow our practice of.

1163
02:07:48.960 --> 02:07:59.460
120 Broadway Hearing Room: Allowing elected representatives to speak in the order in which they arrive in the meeting and without a time limit and we've met, we welcome councilmember brad lander.

1164
02:08:12.330 --> 02:08:12.690
120 Broadway Hearing Room: Thank you.

1165
02:08:15.330 --> 02:08:24.060
120 Broadway Hearing Room: Good afternoon chair lago Thank you very much for welcoming me it's good to see all of the commissioners and city planning staff as well it's it's nice to be here.

1166
02:08:24.600 --> 02:08:38.550
120 Broadway Hearing Room: in person and to be face to face again, I will say it was in some ways, even better, to be as the Community board six public hearing out on the turf at the old stone house where people could also testify in person or by.

1167
02:08:39.300 --> 02:08:45.600
120 Broadway Hearing Room: By zoom and really what was a remarkable exercise and civic engagement and I really want to give a credit to.

1168
02:08:46.140 --> 02:08:53.190
120 Broadway Hearing Room: The city Planning Team I know that was people from all across the Agency, who worked hard to make that possible, and so I want to say thank you.

1169
02:08:54.180 --> 02:08:58.650
120 Broadway Hearing Room: I know I want to say a special thank you to Winston my angle who's here and to Jonathan Keller.

1170
02:08:59.250 --> 02:09:08.820
120 Broadway Hearing Room: as well, because that model of engagement, was not only for that one Community Community boards hearing it really has been the case for more than five years now.

1171
02:09:09.120 --> 02:09:14.910
120 Broadway Hearing Room: As city planning has engaged the Community in as much discussion, as I have ever seen.

1172
02:09:15.330 --> 02:09:23.760
120 Broadway Hearing Room: On a neighborhood rezoning listening to the communities work there bridging go on is engaging through working groups, having countless small and large group meetings.

1173
02:09:24.360 --> 02:09:36.240
120 Broadway Hearing Room: And really working together, that of course doesn't mean that every single person is is in favor here or that every problem is solved, but it does mean that there was real, meaningful dialogue and debate.

1174
02:09:36.780 --> 02:09:45.420
120 Broadway Hearing Room: And I think that's critical in a few ways First, there are many things about this rezoning that were different than when that engagement began.

1175
02:09:46.380 --> 02:09:55.470
120 Broadway Hearing Room: The fact that, as the city planning and hdd have listened to the community's request to make public place 100% affordable, instead of 75% affordable significance.

1176
02:09:55.770 --> 02:10:02.700
120 Broadway Hearing Room: The fact that there is a broad approach for how to keep the Community creative and mixed use that there are many mid blocks.

1177
02:10:03.180 --> 02:10:08.730

120 Broadway Hearing Room: That people might have imagined would be proposed to be rezoned from manufacturing to residential but which are not.

1178
02:10:09.090 --> 02:10:22.410
120 Broadway Hearing Room: That there is this what we call go on as mix zoning to make sure in new development there is space for creative activity that there's a commitment to investing in and improving the I bz that there are creative approaches on transit.

1179
02:10:23.760 --> 02:10:27.840
120 Broadway Hearing Room: and on schools to make sure the infrastructure is in place to sustain growth.

1180
02:10:28.200 --> 02:10:38.010
120 Broadway Hearing Room: All of those things come from a genuine dialogue with the Community and and we're not there in the in the first conversations, but we came as a result of that dialogue that back and forth.

1181
02:10:38.610 --> 02:10:47.730
120 Broadway Hearing Room: And I believe that, even though these are some of the hardest issues to talk about, and they are some of the most within our city politically polarized.

1182
02:10:48.090 --> 02:10:55.080
120 Broadway Hearing Room: If you read the Community boards six recommendations which i'm guessing you all have, but if you have, and I really encourage you to do.

1183
02:10:56.220 --> 02:11:08.070
120 Broadway Hearing Room: It is a document that reveals the kind of thoughtfulness you can get from Community when there is a belief that they are in a process of real engagement, and so I think it is to the credit of the process that has been.

1184
02:11:08.370 --> 02:11:14.100
120 Broadway Hearing Room: Set up here through the work of the staff through the work of the elected officials but mostly through the work of the Community.

1185
02:11:14.790 --> 02:11:18.960

120 Broadway Hearing Room: To build on that engagement and I really encourage everyone to look at that letter sometimes when.

1186
02:11:19.290 --> 02:11:26.310
120 Broadway Hearing Room: The Community board recommendation is yes, with modifications it's easy to hear that, yes, and not to take very seriously the modifications.

1187
02:11:26.910 --> 02:11:31.500
120 Broadway Hearing Room: I am taking them very seriously, I said that i'm going to take those as essentially.

1188
02:11:32.070 --> 02:11:41.280
120 Broadway Hearing Room: You know, an instruction manual and when that get when the rezoning gets to the city council, I really hope you will do the same, they are so thoughtful and they are really worth pushing.

1189
02:11:41.550 --> 02:11:51.030
120 Broadway Hearing Room: In each and every place we can i'll highlight a couple that are significant to me, but I don't want to, I want to encourage you to take a look at the whole, the whole thing.

1190
02:11:52.230 --> 02:12:02.550
120 Broadway Hearing Room: Obviously, public housing investment has been and remains the community's number one priority, and even though that's not in some ways a zoning or a land use planning issue and those negotiations will be with City Hall and Niger.

1191
02:12:02.880 --> 02:12:12.270
120 Broadway Hearing Room: I asked you to engage in them and to take them seriously I wish we were already much further along this would be a better proposal if we had worked out those issues already.

1192
02:12:13.050 --> 02:12:17.850
120 Broadway Hearing Room: I said recently, you know the City Hall kind of came to the residents and to us with some.

1193
02:12:18.120 --> 02:12:25.650
120 Broadway Hearing Room: Proposals offering packed you know, three separate about $40 million packages, but they add up to 120 million dollars.

1194
02:12:25.920 --> 02:12:31.860
120 Broadway Hearing Room: Of need that City Hall, has seen there and there's even more if you look at the physical needs assessment so.

1195
02:12:32.100 --> 02:12:40.500
120 Broadway Hearing Room: We need to do right we can't create a new mixed use neighborhood and not make sure that those people who are low income and working class families in this neighborhood.

1196
02:12:40.770 --> 02:12:53.040
120 Broadway Hearing Room: who have seen their housing be though owned by the city dilapidated over time, we must make that investment for real that we can't do this, unless we get that where it needs to be so that's first and foremost.

1197
02:12:53.460 --> 02:13:02.310
120 Broadway Hearing Room: There are a whole set of issues around environmental remediation of the canal on the land around it and, yes, there is important back and forth between.

1198
02:13:02.940 --> 02:13:09.570
120 Broadway Hearing Room: The EPA and the Department of environmental protection, pursuant to super fun, but we have an opportunity and obligation here.

1199
02:13:09.810 --> 02:13:20.220
120 Broadway Hearing Room: To make sure the rezoning aligns with processes and does all it can to make sure that we are achieving those sustainability and environmental goals, so that means taking a hard look.

1200
02:13:20.520 --> 02:13:29.670
120 Broadway Hearing Room: At the new stormwater rule and making sure it really achieved the goals necessary there could be adjustments there smaller sites could be covered, there might be other ways to do things it means.

1201
02:13:30.000 --> 02:13:37.110
120 Broadway Hearing Room: I know you've got a subsequent application on the salt lot site, but thinking about the tanks and that site that is part of this effort.

1202

02:13:37.320 --> 02:13:47.340
120 Broadway Hearing Room: And we need to make sure that we're thoughtful about the users, that are on it now about getting the CSR reductions that are needed and what the long term uses and how the Community engages there.

1203
02:13:48.630 --> 02:14:05.340
120 Broadway Hearing Room: And there's an opportunity, as we think about he designations within the GLONASS rezoning to make sure that they line up with state and federal and city cleanup and remediation plans and all of that needs to be done in the context of the rezoning even as other processes are underway.

1204
02:14:07.260 --> 02:14:21.150
120 Broadway Hearing Room: Third, I want to highlight open space issues which are identified in the is is something that we need to do more on, especially on active open space there's some opportunities with some mta properties there's some other ways we might be able to look at existing parks.

1205
02:14:21.510 --> 02:14:29.700
120 Broadway Hearing Room: And proposed open spaces and address those issues so i'm eager to you know see what ideas you come up with, and will continue pushing at the Council as well.

1206
02:14:30.270 --> 02:14:40.530
120 Broadway Hearing Room: And a fourth issue that the Community board identified is an opportunity for ongoing oversight and a real strong Community role and we just have to speak plainly, this is the.

1207
02:14:40.800 --> 02:14:51.330
120 Broadway Hearing Room: last six months now, of the de blasio administration, there will be a new mayor, there will be other new people in many of the positions that are essential for.

1208
02:14:52.140 --> 02:14:59.820
120 Broadway Hearing Room: Following up on any commitments that are made and assuming what happens outside you know there's a set of issues covered in the land use application in the zoning.

1209
02:15:00.180 --> 02:15:06.300
120 Broadway Hearing Room: But, assuming that there is also, you know what has traditionally been in the form of a letter from the Deputy

Mayor, to the Council.

1210
02:15:07.080 --> 02:15:19.050
120 Broadway Hearing Room: If we're going to have you know that Deputy Mayor and these Council members not going to be there, we owe the Community away that they can continue to engage have real confidence that commitments may and will be commitments kept.

1211
02:15:20.340 --> 02:15:25.950
120 Broadway Hearing Room: The last thing I want to say is also in furtherance of this dialogue back and forth with Community.

1212
02:15:26.850 --> 02:15:33.330
120 Broadway Hearing Room: At a city wide level, as you know, the Council recently passed and I was proud to co sponsor legislation to require.

1213
02:15:34.050 --> 02:15:45.180
120 Broadway Hearing Room: A racial impact analysis of major land use actions that effective date of that applications not until you know it's going forward so it will cover future applications and I look forward at a policy level.

1214
02:15:45.750 --> 02:15:53.160
120 Broadway Hearing Room: to working with you on it, but Council number 11 and I thought it was important to bring that kind of analysis to the GLONASS rezoning.

1215
02:15:53.430 --> 02:16:01.080
120 Broadway Hearing Room: Even though that timeline didn't require it here, so we have worked together to commission an independent third party racial impact study.

1216
02:16:01.530 --> 02:16:09.630
120 Broadway Hearing Room: which will be available soon at you know we got it under way and so it's not you don't have it, yet you might it's my understanding, it will be out in a matter of.

1217
02:16:10.200 --> 02:16:23.490
120 Broadway Hearing Room: days or a small number of weeks, it may be available to you for subsequent conversations here, it will certainly be available, as I understand it before it reaches the Council, so the public will have a chance to see it testify on it at the Council level.

1218
02:16:23.880 --> 02:16:31.500
120 Broadway Hearing Room: And we'll have to look and see are there issues there that it illuminates, for example, the Community board in their recommendation spoke to looking at.

1219
02:16:31.830 --> 02:16:39.240
120 Broadway Hearing Room: Who should have Community preference in this rezoning if we are going to rezone wider wealthier neighborhoods with the goal of integration and inclusion.

1220
02:16:40.050 --> 02:16:42.090
120 Broadway Hearing Room: We might have to think a little more broadly and.

1221
02:16:42.660 --> 02:16:50.460
120 Broadway Hearing Room: The Community board recommends that that is sure worth looking at and thinking about whether there's opportunities there as well as that depth of affordability.

1222
02:16:50.820 --> 02:16:57.300
120 Broadway Hearing Room: Which is obviously a critical issue, but that will be coming shortly, and I look forward to having subsequent conversations with you about it.

1223
02:16:57.990 --> 02:17:04.890
120 Broadway Hearing Room: There is real work to do here and I have said that unless some of those issues are addressed, especially public housing.

1224
02:17:05.310 --> 02:17:16.080
120 Broadway Hearing Room: canal pollution and remediation and Community oversight that I can only support this if those modifications are made that's what the Community boards, yes, with modifications both instructs me.

1225
02:17:16.740 --> 02:17:29.190
120 Broadway Hearing Room: But I do believe that there is a goal here a shared goal of building on this proposal to make sure that we can make go on us a more inclusive a vibrant mixed use a sustainable community.

1226

02:17:29.460 --> 02:17:39.510
120 Broadway Hearing Room: For decades to come, and that the proposal before you offers us with those modifications, a real opportunity to do it, thank you for all your time and work on it and the opportunity to speak to you today.

1227
02:17:40.800 --> 02:17:48.930
120 Broadway Hearing Room: Well, thank you and I will not be asking whether you wanted to submit a copy of your testimony because it is evident that you spoke without a note.

1228
02:17:49.230 --> 02:18:02.310
120 Broadway Hearing Room: And i've used that as a testament to the years that we have spent working with you the Community board communities, the department, hand in hand to get to this point, so thank you and with that i'll ask if there are any questions from the Commission.

1229
02:18:04.230 --> 02:18:06.900
120 Broadway Hearing Room: Commission or piece, how are you.

1230
02:18:08.190 --> 02:18:18.480
120 Broadway Hearing Room: You know I I i'll be mentioning this a few times today i've mentioned this during the pre hearing and I think you know, this is a complicated cauldron of issues.

1231
02:18:19.980 --> 02:18:31.620
120 Broadway Hearing Room: achieving consensus is by no means a small feat getting to this point and and you know with Community input and recognizing you can't always make everyone happy it.

1232
02:18:32.280 --> 02:18:39.810
120 Broadway Hearing Room: is a challenge, but I think we've really come a long way and, on the whole, you know I think elements of the proposal should are very laudable.

1233
02:18:41.340 --> 02:18:57.900
120 Broadway Hearing Room: You know the one concern I bring up and I bring this up to you, I think you, you know you have a background and planning and understand these issues and have an outsized role and the decision making, as it goes along is a concern I have around.

1234
02:18:59.130 --> 02:19:06.510

120 Broadway Hearing Room: The retail and the commercial ground floor requirements, which I understand folks want you know.

1235
02:19:07.710 --> 02:19:19.380
120 Broadway Hearing Room: But you know as someone who does this work and helps communities sort of right size their their retail, I think the last thing we want is to overbuild an oversupply.

1236
02:19:20.880 --> 02:19:26.880
120 Broadway Hearing Room: Commercial and create vacancies that we then have to deal with when we could have more housing in its place.

1237
02:19:28.350 --> 02:19:32.340
120 Broadway Hearing Room: You know and and so i'll share this with you.

1238
02:19:33.690 --> 02:19:36.090
120 Broadway Hearing Room: You know, in the D is.

1239
02:19:37.350 --> 02:19:55.980
120 Broadway Hearing Room: The projection is that there will be about 350 3000 square feet of new local retail on top of the current 240 1000 square feet of existing retail you know that's almost 600,000 square feet of local retail.

1240
02:19:57.270 --> 02:20:06.180
120 Broadway Hearing Room: I can't figure out a way in which this population can support anything more than about 100,000 square feet of that.

1241
02:20:07.410 --> 02:20:20.310
120 Broadway Hearing Room: that's a huge there's a huge differential there and I understand that the Community may not realize that sort of this desire to see retail everywhere and and local retail and it sounds wonderful.

1242
02:20:20.760 --> 02:20:27.960
120 Broadway Hearing Room: But we want to make sure that it's filled and we don't want to undermine the existing businesses that are there by over supplying so.

1243
02:20:28.500 --> 02:20:31.770

120 Broadway Hearing Room: that's My biggest concern right now, and I would love your thoughts on this.

1244
02:20:32.610 --> 02:20:42.780
120 Broadway Hearing Room: So to two responses and one actually is going to be a question back that I may need some staff help answering the first thing I will say is that, at the time that we were doing a lot of this engagement.

1245
02:20:43.440 --> 02:20:49.470
120 Broadway Hearing Room: We were dealing with what happened on fourth avenue after fourth avenue was absorbed with no ground floor transparency.

1246
02:20:50.040 --> 02:20:57.120
120 Broadway Hearing Room: or active use requirements and what we got was hideous like what we got was a whole series of parking garages with terrible grill.

1247
02:20:57.900 --> 02:21:04.740
120 Broadway Hearing Room: And it is on the one hand, appropriate to ask like what can the market sustain as we are thinking about new development.

1248
02:21:05.070 --> 02:21:13.350
120 Broadway Hearing Room: But like it's also appropriate to for the Community to say like that's not the fourth avenue that we're willing to live with and so people need to factor into.

1249
02:21:13.710 --> 02:21:21.780
120 Broadway Hearing Room: What they are developing a plan that can sustain a community that is livable and one with this is not necessarily what happened on the canal.

1250
02:21:22.260 --> 02:21:34.290
120 Broadway Hearing Room: But one with a set of you know blank walls masking parking garages was really a terrible outcome of on fourth avenue of an action that the city took to you know that the city took so.

1251
02:21:34.680 --> 02:21:40.740
120 Broadway Hearing Room: I do think you know we have to balance against these things now my my more specific response i'm pretty sure.

1252
02:21:41.250 --> 02:21:50.880
120 Broadway Hearing Room: That you could use your goal honest mix option that's a space that you are not required that point three F ar you don't have to build, but you could.

1253
02:21:51.240 --> 02:22:04.020
120 Broadway Hearing Room: But I believe you can use it to satisfy to satisfy your active ground floor use requirements so if you're a developer, who is anxious that there's already you know more than enough dry cleaners.

1254
02:22:05.130 --> 02:22:09.450
120 Broadway Hearing Room: I there's definitely not enough space in New York City for the kinds of uses that the Golan is mix.

1255
02:22:10.050 --> 02:22:16.920
120 Broadway Hearing Room: offers That is something that we need more of that I feel we're going to lose some of in GLONASS through conversion and having space for.

1256
02:22:17.190 --> 02:22:26.880
120 Broadway Hearing Room: arts artisan light manufacturing and nonprofit uses to me that's what is so important, about to try to preserve in the character of go on us.

1257
02:22:27.210 --> 02:22:33.090
120 Broadway Hearing Room: And if we Center that around the canal through this go honest mixed space and around time is green park.

1258
02:22:33.480 --> 02:22:40.020
120 Broadway Hearing Room: I just don't have any doubt that that is going to bring more vibrancy to the neighborhood will attract more economic activity can be a hub.

1259
02:22:40.380 --> 02:22:45.000
120 Broadway Hearing Room: For those kinds of uses that will generate more demand and really.

1260
02:22:45.510 --> 02:22:53.280
120 Broadway Hearing Room: make this neighborhood and more economically

vibrant and attractive place so there might be some opportunity to kind of look at those questions of how do we think the.

1261
02:22:53.670 --> 02:23:04.740
120 Broadway Hearing Room: Retail use space, which is you know NSA are the Golan is mixed space and the ground floor use require the act of ground floor use requirement interact, so that this can be true.

1262
02:23:05.730 --> 02:23:19.440
120 Broadway Hearing Room: Because you know I think there might be some opportunities to do something that really grow the the this activity in the neighborhood rather than see it as a finite pie and and to to the first point, you know I.

1263
02:23:20.280 --> 02:23:32.280
120 Broadway Hearing Room: Fourth avenue is mentioned all the time, is the thing we don't want, and the only solution that's brought forth is you know, requiring you know active ground floor commercial space.

1264
02:23:33.240 --> 02:23:47.460
120 Broadway Hearing Room: You know and they're really interesting models around the nation on design guidelines that prevent you know what we don't want with this blank walls or you know parking on the ground floor that's covered.

1265
02:23:48.720 --> 02:23:59.580
120 Broadway Hearing Room: You know, requiring fenestration windows and entrances you know we have lovely examples of retail our residential streets in our city everywhere.

1266
02:24:00.060 --> 02:24:13.320
120 Broadway Hearing Room: That you know I know that we can learn from that are wonderful places to walk and feel comfortable in brooklyn is replete with those you know I think we need to stretch ourselves a little bit because the alternative.

1267
02:24:14.460 --> 02:24:22.020
120 Broadway Hearing Room: Is is putting activity in places where it can't be supported, and I think retail and particular less so, you know the.

1268
02:24:22.710 --> 02:24:32.340

120 Broadway Hearing Room: The mixture talking about, but we want to support Colocation of businesses and business districts because that's how we know you know the businesses are more successful.

1269
02:24:32.580 --> 02:24:36.480
120 Broadway Hearing Room: When are co located and you can run your Saturday aaron's in one place, and you know where.

1270
02:24:36.750 --> 02:24:48.300
120 Broadway Hearing Room: You know where downtown or Main Street is so that's a bag is take a look at the what I keep calling I don't I forget that the city planning name of the goal honest mixed space because i'll be honest, I would have been fine with.

1271
02:24:48.630 --> 02:24:56.880
120 Broadway Hearing Room: Go on his mix mandate, instead of an option, which is what there is, and that that was the active ground floor use and that there wasn't a retail.

1272
02:24:57.930 --> 02:25:07.140
120 Broadway Hearing Room: You know component in quite the same way, so I think the way it's structured will work Okay, because I think you can satisfy your your active grandpa used requirement.

1273
02:25:07.470 --> 02:25:15.180
120 Broadway Hearing Room: With your goal honest mixed space and I don't think you would have to build the retail if you approached it that way, though, you would have the opportunity to.

1274
02:25:15.540 --> 02:25:19.050
120 Broadway Hearing Room: But let's have some more conversation about this because, maybe there's an opportunity to.

1275
02:25:19.770 --> 02:25:27.840
120 Broadway Hearing Room: I think we have a vision of something that's pretty compelling where what activates the canal and makes it a compelling place skis more of these arts artisan.

1276
02:25:28.320 --> 02:25:40.200
120 Broadway Hearing Room: site manufacturing and nonprofit uses that we really want to grow here so anyway let's let's keep this coming I think that's important and the other is you know, recognizing that you know if

if there is.

1277
02:25:40.560 --> 02:25:45.330
120 Broadway Hearing Room: You know if we shrink where some of this can be because we want to sort of make it the right size.

1278
02:25:46.710 --> 02:25:48.510
120 Broadway Hearing Room: I just really continue to push.

1279
02:25:49.680 --> 02:26:03.450
120 Broadway Hearing Room: us, you know as a Commission to think about solutions that allow for ground floor residential that do not create for them that that learn from that but give us these more housing, which we want.

1280
02:26:04.500 --> 02:26:10.350
120 Broadway Hearing Room: and residential streets that and more density that supports the retail right, and I would, I would just add here that you.

1281
02:26:10.590 --> 02:26:16.770
120 Broadway Hearing Room: need to make sure in the mix, making it a genuinely public space that it doesn't feel, just like the backyard.

1282
02:26:17.070 --> 02:26:22.710
120 Broadway Hearing Room: Of the folks who live in those buildings, because the canal needs to be a public resource that really.

1283
02:26:22.980 --> 02:26:29.160
120 Broadway Hearing Room: People beyond the buildings feel welcome in that can be done i'm not saying that can't be done with ground floor residential but.

1284
02:26:29.460 --> 02:26:38.310
120 Broadway Hearing Room: And there's some features in the water in the last year that are designed to achieve that so let's I mean I think these is the right conversation to have, and if you guys wind up making some.

1285
02:26:38.700 --> 02:26:57.120
120 Broadway Hearing Room: adjustments to it as part of this process will be glad to engage with them when they get to the Council, I hear you

about not over mandating retail space, and I think we can achieve the goals of mixed use an active canal in ways that are aligned with ECHO, thank you.

1286
02:26:59.370 --> 02:27:02.340
120 Broadway Hearing Room: Thank you, gentlemen, good afternoon after.

1287
02:27:05.070 --> 02:27:13.740
120 Broadway Hearing Room: projected and and this proposal is approximately 3000 affordable units, and this will obviously take.

1288
02:27:14.850 --> 02:27:20.550
120 Broadway Hearing Room: A number of years to play out but i'm just wondering from your vantage point, what do you see approximately.

1289
02:27:21.660 --> 02:27:29.010
120 Broadway Hearing Room: As appropriate income ban ranges in amongst those 3000 affordable units.

1290
02:27:29.730 --> 02:27:37.140
120 Broadway Hearing Room: This is a great question and you know, perhaps I should have started here because, for me, the possibility of having a more inclusive neighborhood.

1291
02:27:37.380 --> 02:27:50.700
120 Broadway Hearing Room: Is the core purpose of why we sat down to do this, I live a block and a half, from the canal I love this neighborhood I feel lucky to have sent my kids to school in it to walk to work in it recreate in it.

1292
02:27:51.270 --> 02:27:58.200
120 Broadway Hearing Room: And it has become a place that is not well shared because other than the public housing there is really.

1293
02:27:58.560 --> 02:28:07.410
120 Broadway Hearing Room: Nothing that anyone would consider affordable, regardless of whether by affordable you mean 20 or 40 or 60 or 80 or 100% of am I, this is a.

1294
02:28:07.800 --> 02:28:12.750
120 Broadway Hearing Room: neighborhood in which you know the median

homes are selling for $2 million.

1295
02:28:13.680 --> 02:28:20.280
120 Broadway Hearing Room: You know, and the the rents are commensurate so this makes it a challenge because there's overwhelming need for affordability for.

1296
02:28:20.790 --> 02:28:24.180
120 Broadway Hearing Room: folks who are currently homeless and very low income people and working class people.

1297
02:28:25.020 --> 02:28:32.460
120 Broadway Hearing Room: So on the public place site, on the proposal of the one city on spike for for 950 units.

1298
02:28:32.880 --> 02:28:44.640
120 Broadway Hearing Room: I actually think the mix looks great dates PD worked with the Community half the units will be below 50% of am I, they will all be you know, subject to cities affordable housing programs there's some homeownership that's.

1299
02:28:45.540 --> 02:28:53.010
120 Broadway Hearing Room: That goes up further I feel pretty good about the GLONASS mean about the public place proposal that HP has put forward.

1300
02:28:53.520 --> 02:29:08.160
120 Broadway Hearing Room: For affordability that's really goes as deep as the city's affordable housing programs go for formerly homeless and low income seniors up to some affordable homeownership but more than half of it below 50% of am I, so I feel good about that for the myth.

1301
02:29:09.990 --> 02:29:17.670
120 Broadway Hearing Room: You know i've been clear that, under the current structure we have I would only feel comfortable on the Community board recommends this as well mapping.

1302
02:29:17.940 --> 02:29:34.200
120 Broadway Hearing Room: option one with options three the you know 25% at or below 60 with at least 10% of that at or below 40 I would love to mandate the 20 he had 40 To be honest, to me, getting more of those units at or below 40% would be great.

1303
02:29:35.370 --> 02:29:42.750
120 Broadway Hearing Room: If this is a challenging part of myth as a neighborhood tool, because if we said everywhere on every single site, it had to be.

1304
02:29:43.050 --> 02:29:49.560
120 Broadway Hearing Room: 20% at or below 40% of am I, we would meet where the greatest need is for sure that's where the greatest need is.

1305
02:29:49.980 --> 02:29:56.310
120 Broadway Hearing Room: But I also think those families at 60 or 80 who can't afford to live in the neighborhood today who get a chance to live there.

1306
02:29:57.270 --> 02:30:08.430
120 Broadway Hearing Room: I welcome them also so option one with Option three mapped if there's a way to get it deeper so we get some more 40% units, which are the most needed i'd love to do that as well.

1307
02:30:10.620 --> 02:30:11.310
Other questions.

1308
02:30:13.710 --> 02:30:23.760
120 Broadway Hearing Room: Well, thank you for taking so much time councilmember very much appreciate it, and thank you for the partnership over the years, and that is continuing, thank you, I appreciate the dialogue and look forward to continuing it thanks so much.

1309
02:30:24.960 --> 02:30:33.180
120 Broadway Hearing Room: And i'm just going to shout the staff out one more time here, I did it at the beginning, but like this is what whatever anyone thinks about this Tony, whether you like it, whether you hate it.

1310
02:30:33.510 --> 02:30:38.370
120 Broadway Hearing Room: The work of the city planning staff on this rezoning has really been quite extraordinary.

1311
02:30:39.240 --> 02:30:52.500
120 Broadway Hearing Room: You know, with integrity honest detailed, but with lots of Community engagement and it's not only Winston and Jonathan has been a whole team, but certainly the two of them, leaving have really

done a remarkable work, and I think it's important to say one more Thank you thanks so much.

1312
02:30:54.330 --> 02:30:58.170
120 Broadway Hearing Room: We will welcome congresswoman nydia velazquez.

1313
02:31:00.750 --> 02:31:02.340
120 Broadway Hearing Room: Who will be testifying remotely.

1314
02:31:26.730 --> 02:31:27.810
x PH07 - *E - Congresswoman Nydia Velazquez: Can you hear me.

1315
02:31:28.680 --> 02:31:31.680
120 Broadway Hearing Room: Yes, welcome congresswoman oh Thank you so.

1316
02:31:31.680 --> 02:31:32.280
Much.

1317
02:31:33.480 --> 02:31:44.970
x PH07 - *E - Congresswoman Nydia Velazquez: Thank you so much, and let me recognize the work of the Commission, the New York City planning Commission and I want to thank you for giving me this opportunity, as someone.

1318
02:31:46.230 --> 02:31:54.840
x PH07 - *E - Congresswoman Nydia Velazquez: That has worked in the designation of the super fun of the governor's canal, and the cleanup of the corners can now.

1319
02:31:55.290 --> 02:31:59.550
x PH07 - *E - Congresswoman Nydia Velazquez: I am congresswoman nydia velazquez undergo one has kind of neighborhood.

1320
02:31:59.700 --> 02:32:01.680
x PH07 - *E - Congresswoman Nydia Velazquez: falls within my district.

1321
02:32:02.220 --> 02:32:03.540
120 Broadway Hearing Room: brooklyn Community boards.

1322

02:32:03.540 --> 02:32:04.020
120 Broadway Hearing Room: six.

1323
02:32:04.050 --> 02:32:05.340
x PH07 - *E - Congresswoman Nydia Velazquez: Go one as rezoning.

1324
02:32:05.370 --> 02:32:08.580
x PH07 - *E - Congresswoman Nydia Velazquez: Resolution outlined conditions.

1325
02:32:08.610 --> 02:32:18.420
x PH07 - *E - Congresswoman Nydia Velazquez: for their approval, including topics such as accountability combined sewer overflows environmental remediation preserving.

1326
02:32:18.660 --> 02:32:19.890
x PH07 - *E - Congresswoman Nydia Velazquez: The governor's mix.

1327
02:32:19.950 --> 02:32:20.790
x PH07 - *E - Congresswoman Nydia Velazquez: Of uses.

1328
02:32:21.090 --> 02:32:22.290
x PH07 - *E - Congresswoman Nydia Velazquez: and public housing.

1329
02:32:22.350 --> 02:32:24.480
x PH07 - *E - Congresswoman Nydia Velazquez: and transit just to.

1330
02:32:24.540 --> 02:32:33.300
x PH07 - *E - Congresswoman Nydia Velazquez: name a few additionally go whiners neighborhood coalition for justice has shared it three deal breaker.

1331
02:32:33.360 --> 02:32:34.200
x PH07 - *E - Congresswoman Nydia Velazquez: demands.

1332
02:32:34.260 --> 02:32:46.200
x PH07 - *E - Congresswoman Nydia Velazquez: which comprise greater local public housing investment net zero combined sore overflow and funding ago and zoning commitment Task Force.

1333
02:32:46.290 --> 02:32:47.790
120 Broadway Hearing Room: For compliance.

1334
02:32:48.480 --> 02:33:02.670
x PH07 - *E - Congresswoman Nydia Velazquez: I have yet to see a neighborhood rezoning do all of this, I have requested a pH written review of the city's cabanas neighborhood rezoning draft environmental impact statement.

1335
02:33:03.900 --> 02:33:08.910
x PH07 - *E - Congresswoman Nydia Velazquez: Particularly, we know that EPA combined sewer overflow.

1336
02:33:09.030 --> 02:33:12.300
x PH07 - *E - Congresswoman Nydia Velazquez: assessment will be critical in evaluating.

1337
02:33:12.360 --> 02:33:15.030
x PH07 - *E - Congresswoman Nydia Velazquez: The projected impacts, I am.

1338
02:33:15.090 --> 02:33:15.600
120 Broadway Hearing Room: eager.

1339
02:33:15.780 --> 02:33:31.140
x PH07 - *E - Congresswoman Nydia Velazquez: to review their input, now we must wait to see EPA as full comments on the series D is, which is expected no later than the August nine that line.

1340
02:33:31.680 --> 02:33:51.660
x PH07 - *E - Congresswoman Nydia Velazquez: It is important to note that the 2013 EPA issued record of decision requires that any future development on there they series purview not compromise the environmental cleanup remedy and specifically states that redevelopment.

1341
02:33:51.660 --> 02:33:53.850
x PH07 - *E - Congresswoman Nydia Velazquez: projects must prevent.

1342
02:33:54.090 --> 02:34:06.420
x PH07 - *E - Congresswoman Nydia Velazquez: Additional store load the caring estimates for the go one has neighborhood responding plan expect

over 18,000 people to reside in the area, unfortunately.

1343
02:34:06.660 --> 02:34:09.990
x PH07 - *E - Congresswoman Nydia Velazquez: high density residential development will put.

1344
02:34:10.080 --> 02:34:26.280
x PH07 - *E - Congresswoman Nydia Velazquez: More pressure on all sorts risking overflow contamination of the cleaner and spill over effects in places like red hook, where the bone Lorraine sore extends an environmental justice issue.

1345
02:34:27.330 --> 02:34:41.910
x PH07 - *E - Congresswoman Nydia Velazquez: In order to ensure that the rezoning does not increase csos into the canal and surrounding area, the city must comprehensive restarting the sewer system and implement tools to guarantee.

1346
02:34:42.270 --> 02:34:42.630
x PH07 - *E - Congresswoman Nydia Velazquez: That.

1347
02:34:42.660 --> 02:34:45.150
x PH07 - *E - Congresswoman Nydia Velazquez: New development does not add.

1348
02:34:45.420 --> 02:34:59.910
x PH07 - *E - Congresswoman Nydia Velazquez: To the problem our Community, who has already felt the brunt of climate change cannot afford projects in their backyard that fall short of protecting human health and environment.

1349
02:35:00.510 --> 02:35:13.980
x PH07 - *E - Congresswoman Nydia Velazquez: I, along with other elected officials asked for EPA assessment uninsured the EPA informed us that their comment will identifies several inconsistencies.

1350
02:35:14.280 --> 02:35:26.700
x PH07 - *E - Congresswoman Nydia Velazquez: In the presentation of waste water and stone water calculations at the moment it is uncertain if correcting this discrepancies we don't allow.

1351

02:35:26.790 --> 02:35:28.500
120 Broadway Hearing Room: The developers to claim.

1352
02:35:28.620 --> 02:35:30.840
x PH07 - *E - Congresswoman Nydia Velazquez: that this project will reduce.

1353
02:35:31.020 --> 02:35:50.190
x PH07 - *E - Congresswoman Nydia Velazquez: CS all loading, besides the larger neighborhood wide problem of our outdated and insufficient waste water issues they adequacy of the brownfield cleaner at the largest development side public place has been questioned.

1354
02:35:50.850 --> 02:36:00.510
x PH07 - *E - Congresswoman Nydia Velazquez: The health and safety of residence must be our first priority to something's up all of the area around the oneness.

1355
02:36:01.230 --> 02:36:19.620
x PH07 - *E - Congresswoman Nydia Velazquez: Is a flood zone and climate change with sea level right needs to be taken into account, I will continue to monitor the situation and further engage with the EPA, and the other relevant agencies, thank you.

1356
02:36:19.650 --> 02:36:20.880
120 Broadway Hearing Room: For your time.

1357
02:36:21.060 --> 02:36:23.790
x PH07 - *E - Congresswoman Nydia Velazquez: On this complex issue and.

1358
02:36:24.180 --> 02:36:25.980
x PH07 - *E - Congresswoman Nydia Velazquez: Looking forward to.

1359
02:36:26.880 --> 02:36:29.460
x PH07 - *E - Congresswoman Nydia Velazquez: Providing Community engagement.

1360
02:36:29.820 --> 02:36:35.430
x PH07 - *E - Congresswoman Nydia Velazquez: process that is going to impact their life, thank you for giving me this opportunity.

1361
02:36:36.960 --> 02:36:44.190
120 Broadway Hearing Room: Thank you so much congresswoman for focusing not just in the context of this rezoning but for so many years.

1362
02:36:44.670 --> 02:36:59.400
120 Broadway Hearing Room: On the environmental health of the canal in the neighborhood as someone who has known the canal, since the 1950s, it was such a delight to be out there yesterday and see the active remediation that is underway.

1363
02:37:00.480 --> 02:37:14.460
120 Broadway Hearing Room: To see the new bulkheads being put in, and we know that it is thanks to you and the other members of our congressional delegation and our federal partners on this, and with that i'll turn it over to any questions from the Commission.

1364
02:37:17.340 --> 02:37:22.200
120 Broadway Hearing Room: Well, again, thank you congresswoman for taking the time we very much appreciate your input, thank you.

1365
02:37:26.400 --> 02:37:30.870
120 Broadway Hearing Room: Our next speaker will be New York State Assembly Member Joe and Simon.

1366
02:37:48.090 --> 02:37:48.780
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Should I start.

1367
02:37:49.830 --> 02:37:50.580
120 Broadway Hearing Room: Yes, welcome.

1368
02:37:51.930 --> 02:37:52.320
120 Broadway Hearing Room: Thank you.

1369
02:37:54.240 --> 02:37:57.300
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Thank you to chair Murcia lago and the other.

1370
02:37:57.300 --> 02:37:58.380
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Commissioners who are here.

1371
02:37:58.380 --> 02:37:58.800
x PH07 - *E - Jo Anne Simon, NY Assembly Member: today.

1372
02:37:59.130 --> 02:38:03.540
x PH07 - *E - Jo Anne Simon, NY Assembly Member: For this opportunity to testify in connection with the guam this neighborhood plan.

1373
02:38:04.740 --> 02:38:12.000
x PH07 - *E - Jo Anne Simon, NY Assembly Member: And I also want to thank my colleague congresswoman nydia velazquez for her leadership with regard to the.

1374
02:38:12.000 --> 02:38:13.170
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Environmental Conditions.

1375
02:38:13.170 --> 02:38:13.560
120 Broadway Hearing Room: Around.

1376
02:38:13.590 --> 02:38:16.380
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The guavas canal, and the uplands for so very many.

1377
02:38:16.380 --> 02:38:20.340
x PH07 - *E - Jo Anne Simon, NY Assembly Member: years I have represented the 52nd assembly district.

1378
02:38:20.460 --> 02:38:32.580
x PH07 - *E - Jo Anne Simon, NY Assembly Member: which includes go honest brooklyn heights boerum hill Carroll gardens cobble hill downtown brooklyn dumbo full cherry landing vinegar hill large part of park slope, and some of prospect heights.

1379
02:38:32.730 --> 02:38:34.410
120 Broadway Hearing Room: Since 2015.

1380
02:38:34.740 --> 02:38:44.850
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Before that, however, I was an active Community leader in an activist and i've lived in the area

for 40 years when I moved to my neighborhood of boerum Hill, it was still red lines.

1381
02:38:45.390 --> 02:38:50.640
x PH07 - *E - Jo Anne Simon, NY Assembly Member: So i've seen a lot of change over the years and that informs my perspective on this rezoning proposal.

1382
02:38:51.150 --> 02:38:58.650
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Like many eula proposals this one has been contentious there's a long history of disagreement here, as they are in some other.

1383
02:38:59.370 --> 02:39:14.940
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Proposals as well, this goes back, for example, to when Council member bill de blasio wanted to develop the public place site, for example, and and that facility and his opposition to the designation of the gw honest canal as a superfund.

1384
02:39:14.940 --> 02:39:20.280
x PH07 - *E - Jo Anne Simon, NY Assembly Member: site and there were many Community Members who shared his view and many people who thought developing.

1385
02:39:20.280 --> 02:39:21.000
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Public place.

1386
02:39:21.150 --> 02:39:23.910
x PH07 - *E - Jo Anne Simon, NY Assembly Member: A senior housing was a good idea, I was among those people.

1387
02:39:24.720 --> 02:39:37.470
x PH07 - *E - Jo Anne Simon, NY Assembly Member: But many more disagree vehemently that the only hope for a safe and clean go honest canal area was a super fun designation that charged the responsible parties with it's clean up, which I supported enthusiastically.

1388
02:39:37.860 --> 02:39:54.240
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The City of New York is a responsible party in this in the under the superfund designation, and it is, of course, on the hook for significant remedial obligations to the canal and up lends its delays and moving forward with aspects of the

remedial plan.

1389
02:39:54.390 --> 02:39:56.190
x PH07 - *E - Jo Anne Simon, NY Assembly Member: can't be entirely divorced from this.

1390
02:39:56.190 --> 02:40:00.000
x PH07 - *E - Jo Anne Simon, NY Assembly Member: History, but I based The challenge for this rezoning proposal.

1391
02:40:00.210 --> 02:40:05.100
x PH07 - *E - Jo Anne Simon, NY Assembly Member: And the areas, current and future residents can be reduced to one word and that's climate.

1392
02:40:05.850 --> 02:40:12.960
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Climate change climate justice it's all about climate and we ignored the significant climate concerns at our own peril.

1393
02:40:13.560 --> 02:40:21.600
x PH07 - *E - Jo Anne Simon, NY Assembly Member: We can't cover this up, we can't pretend that climate change isn't happening it's happening all around us as we speak, and we all know it.

1394
02:40:22.020 --> 02:40:36.870
x PH07 - *E - Jo Anne Simon, NY Assembly Member: So this rezoning is taking place in one of the most polluted areas of the country, which has been subjected to 150 years of contamination by industrial waste and raw sewage nearly the entire area to be rezoned is in a floodplain.

1395
02:40:37.350 --> 02:40:45.570
x PH07 - *E - Jo Anne Simon, NY Assembly Member: When I moved to brooklyn metro texts promise loomed large there were the inevitable and sometimes fairly large scale taking some homes and businesses.

1396
02:40:45.900 --> 02:40:57.180
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Those of us who enjoyed a trip to the alternate universe that was since hardware, for example, might remember the days of very dilapidated buildings and funky stores and downtown brooklyn that are now long gone.

1397

02:40:57.540 --> 02:41:09.630
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Overall downtown brooklyn had become very distressed and need to serious attention the regional plan association issues its third regional plan and 1996 stressing economy, environment and equity.

1398
02:41:09.990 --> 02:41:15.540
x PH07 - *E - Jo Anne Simon, NY Assembly Member: As guiding principles for the tri state metropolitan region and call for revitalizing downtown brooklyn.

1399
02:41:16.110 --> 02:41:27.750
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Of the three e's that they talked about equity has gotten the shortest drift and the environment test too often been an afterthought, and most particularly the intersection of environment and equity have been lacking.

1400
02:41:28.440 --> 02:41:35.880
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Also in 1996 I became Chair of the guana expressway Community coalition fighting for a sustainable and environmentally just tunnel.

1401
02:41:36.150 --> 02:41:47.430
x PH07 - *E - Jo Anne Simon, NY Assembly Member: To replace the elevated and highly polluted guana expressway it's still elevated it's still highly polluting and the fight for climate change continues, so those of us who have raised concerns about.

1402
02:41:47.460 --> 02:41:50.340
x PH07 - *E - Jo Anne Simon, NY Assembly Member: area rezoning or large scale and use projects like.

1403
02:41:50.340 --> 02:41:56.850
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Atlantic yards, which is a state project benefiting greatly from mayor Bloomberg granting it is full of zoning override.

1404
02:41:57.180 --> 02:42:04.650
x PH07 - *E - Jo Anne Simon, NY Assembly Member: have been chided as being against change or against affordable housing, even though far too often what is called affordable isn't really.

1405

02:42:05.100 --> 02:42:12.840
x PH07 - *E - Jo Anne Simon, NY Assembly Member: I believe a responsible activist and a responsible elected officials job is to highlight what is and what is not working, about a proposal.

1406
02:42:13.350 --> 02:42:22.770
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The devil, of course, is in the details, and so, for example, no one opposed to rezoning and downtown brooklyn, but we did raise serious issues, including the fact that the the.

1407
02:42:24.120 --> 02:42:30.120
x PH07 - *E - Jo Anne Simon, NY Assembly Member: If they anticipated only large footprint commercial uses and a very small amount of residential use.

1408
02:42:30.750 --> 02:42:41.460
x PH07 - *E - Jo Anne Simon, NY Assembly Member: They were very parsimonious in the amount of public investment to be made, while displacing immigrant own businesses and black and brown residents at downtown brooklyn which should have received massive investment.

1409
02:42:42.120 --> 02:42:51.450
x PH07 - *E - Jo Anne Simon, NY Assembly Member: had very little and was actually like begging for crumbs but the proponents never imagined that anyone would build taller than 50 stories in downtown brooklyn and look where we are now.

1410
02:42:51.840 --> 02:43:00.900
x PH07 - *E - Jo Anne Simon, NY Assembly Member: And that rezoning was not on on the top of the superfund site, so the areas residents and transit advocates call for more money and resources for public transit.

1411
02:43:01.080 --> 02:43:04.860
x PH07 - *E - Jo Anne Simon, NY Assembly Member: For open space for the preservation of an underground railroad site.

1412
02:43:05.220 --> 02:43:15.390
x PH07 - *E - Jo Anne Simon, NY Assembly Member: And suggested that the proponents we're planning for the last war in essence that they had miss called the market which we in the Community believed would be residential and we.

1413
02:43:15.750 --> 02:43:29.580
x PH07 - *E - Jo Anne Simon, NY Assembly Member: could require smaller footprint commercial uses because technology was shrinking the size of business equipment, few people even that had a cell phone, of course, so we never could have anticipated today's functionality 10 years after it was approved and.

1414
02:43:30.750 --> 02:43:37.230
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The downtown brooklyn plan had birth 10,000 units of housing, none of them affordable with another 8000 already.

1415
02:43:37.230 --> 02:43:37.650
120 Broadway Hearing Room: on deck.

1416
02:43:38.070 --> 02:43:40.950
x PH07 - *E - Jo Anne Simon, NY Assembly Member: But because the rezoning made the development as of right.

1417
02:43:41.160 --> 02:43:49.440
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The city has no tools to cabinet or to help shape it into what it was they preferred and what it was they were seeking to develop in terms of commercial use.

1418
02:43:49.920 --> 02:43:59.070
x PH07 - *E - Jo Anne Simon, NY Assembly Member: So the area's residents, then had needs for residential amenities that weren't being met, like schools supermarkets dry cleaners healthcare recreational space.

1419
02:43:59.400 --> 02:44:08.370
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The Community in essence had been right the market was residential and business equipment was shrinking rapidly eliminating the market for large footprint back office spaces.

1420
02:44:09.450 --> 02:44:11.280
120 Broadway Hearing Room: I raised that as an issue, because it is.

1421
02:44:11.280 --> 02:44:17.250
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Important that we talk about the details and it's important that we all listen to those people

who are raising.

1422
02:44:17.430 --> 02:44:18.300
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The concerns.

1423
02:44:18.720 --> 02:44:20.130
120 Broadway Hearing Room: and recognize that many of.

1424
02:44:20.130 --> 02:44:26.730
x PH07 - *E - Jo Anne Simon, NY Assembly Member: them, in fact, our view now i've long been an advocate for radical reforms to you look because it's inadequate to the task.

1425
02:44:27.000 --> 02:44:34.500
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The central problem is that the city uses you'll learn, which is a rezoning process as a proxy for the urban planning process it really doesn't have.

1426
02:44:35.040 --> 02:44:43.350
x PH07 - *E - Jo Anne Simon, NY Assembly Member: This is why so many proposals are inadequate and go whereby when it's a rezoning is done, there are no controls, other than the new zoning designation for which.

1427
02:44:43.560 --> 02:44:44.760
120 Broadway Hearing Room: variances can be sought.

1428
02:44:45.150 --> 02:44:48.420
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The likelihood that the GLONASS rezoning will look anything like what its.

1429
02:44:48.420 --> 02:45:02.160
x PH07 - *E - Jo Anne Simon, NY Assembly Member: proposed today or be built within a 10 year period projected in any de de is is SLIM to none what's more if it starts to go off the rails, the city has no tools to write it so past is prologue.

1430
02:45:02.580 --> 02:45:17.250
x PH07 - *E - Jo Anne Simon, NY Assembly Member: I asked that you, you know if anybody can name a large scale rezoning that hasn't increased rents in the area and displaced residents, especially residents of color I don't think you can I know that the cumulative effect of metro tech,

the fourth.

1431
02:45:17.250 --> 02:45:19.200
120 Broadway Hearing Room: avenue rezoning downtown brooklyn.

1432
02:45:19.200 --> 02:45:27.510
x PH07 - *E - Jo Anne Simon, NY Assembly Member: rezoning and Atlantic yards change my neighborhood from one that was diverse and low to moderate income to one that is much wider and much more wealthy.

1433
02:45:27.900 --> 02:45:37.410
x PH07 - *E - Jo Anne Simon, NY Assembly Member: We have also seen this affected williamsburg so it's not just you know my area so as i've testified in the past, and I believe that the Guan is area needs a rezoning.

1434
02:45:37.710 --> 02:45:43.650
x PH07 - *E - Jo Anne Simon, NY Assembly Member: That would establish a cohesive approach to land use going forward I differ from some of my colleagues in that regard.

1435
02:45:44.460 --> 02:45:56.700
x PH07 - *E - Jo Anne Simon, NY Assembly Member: However, believing that a rezoning is an order does not mean that any rezoning proposal would be acceptable, or that the proposal here contains only good things, there were aspects of this proposal that I like but others that I don't.

1436
02:45:57.120 --> 02:46:13.140
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The governess rezoning proposal before us today encompasses to larger footprint exacerbating the likelihood that what proponents anticipate will never come to fruition, because it will change over time it stretches too far north and south along fourth avenue into areas that are honest.

1437
02:46:13.170 --> 02:46:17.070
x PH07 - *E - Jo Anne Simon, NY Assembly Member: And no one's mind increases the FAA are far beyond that which the.

1438
02:46:17.070 --> 02:46:20.700
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Community process had identified as the maximum acceptable.

1439
02:46:20.700 --> 02:46:21.300
120 Broadway Hearing Room: FA ir.

1440
02:46:21.540 --> 02:46:24.420
x PH07 - *E - Jo Anne Simon, NY Assembly Member: and fails to adequately address how his proposals can be.

1441
02:46:24.420 --> 02:46:31.050
x PH07 - *E - Jo Anne Simon, NY Assembly Member: achieved while also remediating one of the most contaminated bodies of water and toxic blends in the country.

1442
02:46:31.350 --> 02:46:37.020
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Members of the local residential communities, including public housing residents have raised many of these concerns.

1443
02:46:37.320 --> 02:46:47.370
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The EPA and a very carefully worded letter recently identified areas of concern that it did not have the authority to address, but did not indicate that the concerns were without merit.

1444
02:46:47.910 --> 02:46:56.190
x PH07 - *E - Jo Anne Simon, NY Assembly Member: And here's the thing, no one really disagrees about the proposal shortcomings Community board to solve the problems and voted to reject the proposal.

1445
02:46:56.460 --> 02:46:58.230
120 Broadway Hearing Room: Community board six saw the.

1446
02:46:58.230 --> 02:47:09.480
x PH07 - *E - Jo Anne Simon, NY Assembly Member: very same problems and voted to approve with nearly 20 pages of condition listing 30 significant issues, the very same inadequacies that lead CB to to reject the proposal.

1447
02:47:09.900 --> 02:47:25.530
x PH07 - *E - Jo Anne Simon, NY Assembly Member: And this includes several significant issues, including a CSO and sewage system capable of handling climate change disaster scenarios and increase capacity and the

full funding of capital needs for nycha guavas houses and wyclef gardens.

1448
02:47:26.640 --> 02:47:37.050
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The DEA is executive summaries describes the canal as a wholly unique resource the guavas canal can thrive and play an active role in that equitable and sustainable growth.

1449
02:47:37.560 --> 02:47:47.130
x PH07 - *E - Jo Anne Simon, NY Assembly Member: But until the EPA superfund cleanup has been completed and the city has concurrently designed constructed and made operational the necessary CSO tanks.

1450
02:47:47.370 --> 02:47:55.890
x PH07 - *E - Jo Anne Simon, NY Assembly Member: To ensure the integrity of the superfund remedy to describe the gowanus canal is wholly unique resource within the long term vision of a thriving inclusive.

1451
02:47:56.250 --> 02:48:02.580
x PH07 - *E - Jo Anne Simon, NY Assembly Member: and resilient GLONASS is something of a stretch, I would like, for the statement to be true, but wishing doesn't make it so.

1452
02:48:03.030 --> 02:48:09.720
x PH07 - *E - Jo Anne Simon, NY Assembly Member: So, given the enormous toxicity of the area and the delicate balance that needs to be achieved, these problems are not mere concerns.

1453
02:48:09.960 --> 02:48:17.040
x PH07 - *E - Jo Anne Simon, NY Assembly Member: They are threatening to the individual lives and health of the areas residents and the future residents and to the area sustainability.

1454
02:48:17.310 --> 02:48:27.840
x PH07 - *E - Jo Anne Simon, NY Assembly Member: The proposal does not address how it will provide a resilient future for the residents of public housing, whose buildings were flooded in hurricane sandy and which are in a direct path of future flooding.

1455
02:48:28.110 --> 02:48:36.450
x PH07 - *E - Jo Anne Simon, NY Assembly Member: It does not provide a plan for the promised interim park and pool while Thomas green park is

torn up for the removal of its coltart tank and the.

1456
02:48:36.510 --> 02:48:37.830
120 Broadway Hearing Room: installation of the sewage.

1457
02:48:37.860 --> 02:48:40.260
x PH07 - *E - Jo Anne Simon, NY Assembly Member: overflow system, which is already behind schedule.

1458
02:48:40.770 --> 02:48:53.610
x PH07 - *E - Jo Anne Simon, NY Assembly Member: It does not address how to protect the Atlanta area from additional contamination in the event of storm surge which is anticipated to cover as much of the uplands going as far north is Berg industry to be underwater by 2015.

1459
02:48:54.180 --> 02:48:58.710
x PH07 - *E - Jo Anne Simon, NY Assembly Member: It does not provide for a mechanism for ensuring that there are no net csos.

1460
02:48:58.830 --> 02:49:00.270
x PH07 - *E - Jo Anne Simon, NY Assembly Member: a goal that we all share.

1461
02:49:00.900 --> 02:49:09.180
x PH07 - *E - Jo Anne Simon, NY Assembly Member: It does not address likely migration and validation of compounds at public place the most contaminated site or anywhere else.

1462
02:49:09.570 --> 02:49:20.370
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Now, the Community is asked us to better understand the full environmental impact of this proposal, and for that they have asked the EPA fema and the US army corps of engineers to coordinate.

1463
02:49:20.730 --> 02:49:26.610
x PH07 - *E - Jo Anne Simon, NY Assembly Member: As co involved agencies evaluating the D is findings we don't yet have that information.

1464
02:49:27.270 --> 02:49:35.190
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Now there was much that the developers propose that is creative and environmentally sounded

public place and I support the plan for 100% affordability.

1465
02:49:35.610 --> 02:49:47.340
x PH07 - *E - Jo Anne Simon, NY Assembly Member: But there's no assurance of proper oversight and one would be remiss not to express concerns about the possibility of toxic fumes in 20 to 30 years that can cause brain dysfunction and pulmonary disorders.

1466
02:49:47.670 --> 02:49:54.360
x PH07 - *E - Jo Anne Simon, NY Assembly Member: I spent too many years in my career working with neuro a typical people not to have a well founded concern about this.

1467
02:49:54.690 --> 02:50:11.280
x PH07 - *E - Jo Anne Simon, NY Assembly Member: How inevitable inevitable, would it be to have 100% affordable housing attracting low income residents, many of whom would likely be residents of color only to poison them slowly, then in my mind is not housing justice it's not climate justice and it's not social justice.

1468
02:50:12.300 --> 02:50:14.310
x PH07 - *E - Jo Anne Simon, NY Assembly Member: I realized the public places, the largest.

1469
02:50:15.540 --> 02:50:31.560
x PH07 - *E - Jo Anne Simon, NY Assembly Member: plot of land, but is also the most compromised and I think that we just really need to get this right, and so my question then is to ask you the New York City planning Commission, what will you do to help the residents businesses of the wellness area.

1470
02:50:31.860 --> 02:50:34.200
x PH07 - *E - Jo Anne Simon, NY Assembly Member: What conditions and constraints and penalties.

1471
02:50:34.410 --> 02:50:38.910
x PH07 - *E - Jo Anne Simon, NY Assembly Member: Can you affixed to ensure that my will, founded fears are not realized.

1472
02:50:39.450 --> 02:50:50.730
x PH07 - *E - Jo Anne Simon, NY Assembly Member: We need to get this right, we need to have a sustainable future for all of us, and I thank

you for your time, I thank you for allowing me the time to express my concerns about this proposal.

1473
02:50:51.090 --> 02:50:56.520
x PH07 - *E - Jo Anne Simon, NY Assembly Member: And my support for other aspects of this proposal today and i'm happy to answer any of your questions, thank you.

1474
02:50:58.110 --> 02:51:06.480
120 Broadway Hearing Room: Thank you so much assembly Member and I will know that you took at least Commissioner Bernie and me on a trip down memory lane by mentioning SIDS hardware.

1475
02:51:08.070 --> 02:51:09.690
120 Broadway Hearing Room: Question to the Assembly Member.

1476
02:51:11.700 --> 02:51:18.270
120 Broadway Hearing Room: Well, thank you so much for taking the time to be here with us today much appreciate it Thank you so much, I appreciate your.

1477
02:51:23.910 --> 02:51:35.100
120 Broadway Hearing Room: Okay, we will now follow our practice of doing five speakers and opposition, followed by five speakers in support, I will know that.

1478
02:51:35.670 --> 02:51:47.310
120 Broadway Hearing Room: We have 50 speakers find up, which translates to around two and a half hours of testimony plus the time that it takes to have people enter and leave electronically.

1479
02:51:47.760 --> 02:51:58.770
120 Broadway Hearing Room: So, to try to facilitate things I will both call the current speaker and then note, who is up on deck so that people can be prepared to be on muting themselves.

1480
02:52:00.090 --> 02:52:05.910
120 Broadway Hearing Room: Our first speaker is Cassandra dillenberger who will be followed by Thomas delaney.

1481
02:52:12.120 --> 02:52:21.570

120 Broadway Hearing Room: Good morning, Michael Good afternoon, my name is Cassandra dillenberger i'm the manager of 98 for street development group llc and for 13 bond street llc.

1482
02:52:22.080 --> 02:52:33.570
120 Broadway Hearing Room: We own two properties in the rezoning area 98 for St located along bond street and Silicon Valley and for 13 bond street in the regular l shape lot between third sheet and fourth street with frontage on the canal.

1483
02:52:34.380 --> 02:52:43.470
120 Broadway Hearing Room: 94 street at home to 67 small businesses with over 300 workers, including furniture makers jewelry makers set designers and photographers for 13 bond street.

1484
02:52:43.890 --> 02:52:54.660
120 Broadway Hearing Room: As approved plans for development for these very same uses as property owners we've been intentional about providing spaces for the locally on creative businesses that have become synonymous with the GLONASS neighborhood.

1485
02:52:55.950 --> 02:53:01.770
120 Broadway Hearing Room: Go on us rezoning raises to specific issues that undermine our ability to develop and retain such uses on our sites.

1486
02:53:02.400 --> 02:53:11.340
120 Broadway Hearing Room: One the proposal visual quarter and unplanned connection mid block between bond street and the canal into the proposed waterfront yard and short public walkway requirements.

1487
02:53:12.060 --> 02:53:19.140
120 Broadway Hearing Room: These regulations would make redevelopment of our site at 413 bond street and feasible, even with a proposed and one for zoning designation.

1488
02:53:19.890 --> 02:53:24.960
120 Broadway Hearing Room: The proposed visual quarter requires an unobstructed area that we 50 feet along the eastern boundary.

1489
02:53:25.530 --> 02:53:35.490
120 Broadway Hearing Room: And the proposed war front yard requires an unobstructed area at least 30 feet along the shoreline together these

regulations were drastically reduced or usable lot area by approximately 40%.

1490
02:53:36.390 --> 02:53:44.550
120 Broadway Hearing Room: This result is inconsistent with the city state is objective to support existing clusters of economic activity and promote develop a new job generating uses.

1491
02:53:45.330 --> 02:53:56.880
120 Broadway Hearing Room: The city believes that the upline connection digital quarter necessary in this location would strongly encourage them to utilize a Jason sites that are proposed to be resolved for residential uses and have more flexible floor plates.

1492
02:53:57.930 --> 02:54:12.540
120 Broadway Hearing Room: We asked at the city CAP city planning Commission support request to make the small but specific modification to the proposed zoning text to help protect the future of industrial use manufacturing businesses in GLONASS, thank you for the opportunity testified today thanks.

1493
02:54:13.830 --> 02:54:16.650
120 Broadway Hearing Room: For waiting patiently for the native appreciated.

1494
02:54:21.900 --> 02:54:22.740
120 Broadway Hearing Room: Our next speaker.

1495
02:54:24.030 --> 02:54:28.470
120 Broadway Hearing Room: Our next speaker will be Thomas debating who will be followed by Tom who sell.

1496
02:54:45.690 --> 02:54:46.500
x PH07 - 07 - O - Thomas Devaney: hello, can you hear me.

1497
02:54:48.150 --> 02:54:49.590
120 Broadway Hearing Room: Yes, welcome okay.

1498
02:54:50.940 --> 02:54:59.580
x PH07 - 07 - O - Thomas Devaney: Good afternoon char lago and Commissioners Thomas Divan the senior director of land use planning at

the municipal art society of New York.

1499
02:55:00.420 --> 02:55:10.290
x PH07 - 07 - O - Thomas Devaney: Having closely examine every neighborhood rezoning under the blasio administration, the municipal art society recognizes the challenge the city faces and envisioning a future for.

1500
02:55:11.010 --> 02:55:12.840
x PH07 - 07 - O - Thomas Devaney: A neighborhood as complex as.

1501
02:55:12.840 --> 02:55:22.920
x PH07 - 07 - O - Thomas Devaney: gloss there are many aspects of the plan that we support the well crafted waterfront access plan new open space reductions in residential storm water flows.

1502
02:55:23.370 --> 02:55:34.110
x PH07 - 07 - O - Thomas Devaney: 100% affordability ago honest green and a new public school we're also in color courage by Council member landers intention to study the racial impacts of the result.

1503
02:55:34.620 --> 02:55:46.230
x PH07 - 07 - O - Thomas Devaney: However, we bind the rezoning is fundamentally flawed with miss miss planning opportunities questionable environmental findings and inadequate Community engagement to be supported as proposed.

1504
02:55:46.770 --> 02:55:48.240
120 Broadway Hearing Room: Like other neighborhood rezoning is the.

1505
02:55:48.240 --> 02:55:56.070
x PH07 - 07 - O - Thomas Devaney: governor's proposal follows a similar path or familiar path framed under the banner of increasing affordable housing through mandatory exclusionary house.

1506
02:55:56.490 --> 02:56:04.680
x PH07 - 07 - O - Thomas Devaney: Well NIH is a useful tool is a block one that is more about increasing market rate and affordable units than it is than it is about ensuring.

1507
02:56:05.010 --> 02:56:15.210

x PH07 - 07 - O - Thomas Devaney: Go honest is accessible to all members of the community as a city and then go honest, we should not just be planning for grow the opportunities with the city within the city grass.

1508
02:56:15.510 --> 02:56:22.020
x PH07 - 07 - O - Thomas Devaney: To address racial disparities and displacement preparing communities for a more livable future by improving water and air quality.

1509
02:56:23.040 --> 02:56:30.630
x PH07 - 07 - O - Thomas Devaney: planning for flood risk increasing access to opportunity for all residents, regardless of income and, ultimately, increasing housing choice for the.

1510
02:56:30.780 --> 02:56:35.610
x PH07 - 07 - O - Thomas Devaney: most vulnerable new Yorkers with the rezoning, we would like to see kiwanis be the big step to city.

1511
02:56:35.610 --> 02:56:43.650
x PH07 - 07 - O - Thomas Devaney: takes to ensure that lowering income residents will not struggle to remain in the Community as proposed resulting as a long way towards achieving these goals.

1512
02:56:44.100 --> 02:56:59.340
x PH07 - 07 - O - Thomas Devaney: As we look to the city's future with a new may oral administration, the GLONASS rezoning brings to life the profound deficiencies and lack of transparency, parents in the cities secret process, but particularly the reliability of the development forecasts and evaluating.

1513
02:56:59.820 --> 02:57:01.380
x PH07 - 07 - O - Thomas Devaney: Evaluation of the full impact of the.

1514
02:57:01.380 --> 02:57:01.800
x PH07 - 07 - O - Thomas Devaney: plan.

1515
02:57:01.920 --> 02:57:03.300
x PH07 - 07 - O - Thomas Devaney: Your mission of the nature.

1516
02:57:03.480 --> 02:57:04.710
x PH07 - 07 - O - Thomas Devaney: properties from the spreadsheet.

1517
02:57:04.860 --> 02:57:11.550
x PH07 - 07 - O - Thomas Devaney: From the strategy around affordable and quality, housing and the lack of fair housing gland to fill the gaps of myth.

1518
02:57:12.060 --> 02:57:23.700
x PH07 - 07 - O - Thomas Devaney: And the shortcomings of the current civic engagement process her proposal does not effectively address the infrastructure capacity that we are going to take on massive expansion of residential density, with an estimated construction of.

1519
02:57:23.700 --> 02:57:25.050
x PH07 - 07 - O - Thomas Devaney: 1000 new housing units.

1520
02:57:25.050 --> 02:57:25.560
120 Broadway Hearing Room: influx of.

1521
02:57:25.590 --> 02:57:32.370
x PH07 - 07 - O - Thomas Devaney: 20,000 people to go on us to propose needs to adequately address sewage infrastructure environmental remediation and effort.

1522
02:57:33.420 --> 02:57:43.950
x PH07 - 07 - O - Thomas Devaney: mediation efforts in school that utilization while it's too early to assess the true impact of the de blasio administration, the zoning is fitting that a neighbor has complexes go honest, is one of the last two to be certified.

1523
02:57:44.220 --> 02:57:45.570
120 Broadway Hearing Room: give it the proposals potential to.

1524
02:57:45.660 --> 02:57:47.580
x PH07 - 07 - O - Thomas Devaney: transform go on us, we are city.

1525
02:57:47.730 --> 02:57:48.900
x PH07 - 07 - O - Thomas Devaney: To address the philosophy of.

1526
02:57:48.900 --> 02:57:49.350
x PH07 - 07 - O - Thomas Devaney: outline.

1527
02:57:49.860 --> 02:57:51.000
120 Broadway Hearing Room: Thank you for the opportunity.

1528
02:57:51.330 --> 02:57:51.870
x PH07 - 07 - O - Thomas Devaney: that's important.

1529
02:57:51.900 --> 02:57:55.770
120 Broadway Hearing Room: Thank you, Mr demeaning great timing question from the Commission.

1530
02:57:58.050 --> 02:57:59.370
120 Broadway Hearing Room: Again, thank you for testifying.

1531
02:58:01.290 --> 02:58:05.820
120 Broadway Hearing Room: Our next speaker will be Tom assault, followed by David cook.

1532
02:58:13.740 --> 02:58:14.100
x PH07 - 08 - O - Tom Oesau: Hello.

1533
02:58:14.130 --> 02:58:15.360
x PH07 - 08 - O - Tom Oesau: And thank you for the opportunity to.

1534
02:58:15.360 --> 02:58:16.020
120 Broadway Hearing Room: testify.

1535
02:58:16.560 --> 02:58:23.160
x PH07 - 08 - O - Tom Oesau: My name is Tom, so I am representing the organizations have naturally occur and cultural district in New York and arts and democracy.

1536
02:58:23.550 --> 02:58:28.530
x PH07 - 08 - O - Tom Oesau: Our two organizations have been involved in arts and culture and Community organizing and go on this for many years.

1537
02:58:28.680 --> 02:58:38.460
x PH07 - 08 - O - Tom Oesau: supporting local leadership, this includes no CD in my acting its cultural partner, since 2019 with resident

leadership to activate that go on this Community Center in preparation for it to be opening.

1538
02:58:39.480 --> 02:58:45.030
x PH07 - 08 - O - Tom Oesau: As a proud member of the governess neighborhood coalition for justice and then supportive all of its priorities, we will not support the.

1539
02:58:45.420 --> 02:58:54.720
x PH07 - 08 - O - Tom Oesau: neighborhood plan without full funding for capital needs that this House is and why cuff gardens net zero CSO and accountability, through a Community based commitment Task Force.

1540
02:58:55.080 --> 02:59:03.750
x PH07 - 08 - O - Tom Oesau: Based on our background and scd unwind and arts and democracy opposition to speak on the role that Community based arts and culture play in neighborhoods integrating with other sectors redeem.

1541
02:59:04.080 --> 02:59:10.110
x PH07 - 08 - O - Tom Oesau: realized comprehensive healthy and vibrant neighborhoods and go on us arts and culture operates beyond issues of land use.

1542
02:59:10.350 --> 02:59:18.870
x PH07 - 08 - O - Tom Oesau: Artists community leaders and organizations function is cultural networks that provide goods express the identity of their communities and elevate issues important in the neighborhood.

1543
02:59:19.590 --> 02:59:27.750
x PH07 - 08 - O - Tom Oesau: To ensure that these systems thrive, the rezoning must also reinvesting Community assets and cultural hubs, especially the time the reopening of the grandness Community Center.

1544
02:59:28.080 --> 02:59:35.820
x PH07 - 08 - O - Tom Oesau: The Center has been closed for 20 years get still operates as a lifeline for the Community, a place for gathering and a lifeline during times of crisis like sandy and Kobe.

1545
02:59:36.270 --> 02:59:42.960
x PH07 - 08 - O - Tom Oesau: With funding committed to reopen the Center it's designed organizational structure and programming must be expedited

and Community lead.

1546
02:59:43.530 --> 02:59:48.960
x PH07 - 08 - O - Tom Oesau: also recognized Community networks, including relationships between cultural practices, industry and the good ones mix.

1547
02:59:49.350 --> 02:59:55.950
x PH07 - 08 - O - Tom Oesau: The city can reinforce these networks through local structures, like a Community task force mentioned above, to foster connections in ways that operate on.

1548
02:59:56.340 --> 02:59:58.560
x PH07 - 08 - O - Tom Oesau: A development timeline beyond a planning document.

1549
02:59:59.130 --> 03:00:08.040
x PH07 - 08 - O - Tom Oesau: Additionally, assure access and affordability for artists and cultural producers in order to preserve and strengthen the character of the Community and to equitably serve long standing and new residents.

1550
03:00:08.700 --> 03:00:17.730
x PH07 - 08 - O - Tom Oesau: Also zoning for industrial spaces should prioritize the hiring of local residents, especially public housing residents to retain and capacity local talent and enterprise.

1551
03:00:18.570 --> 03:00:27.090
x PH07 - 08 - O - Tom Oesau: Additionally, commercial and retail spaces, should serve existing residents not introduce high end services that equates consumer displacement and finally public spaces should be.

1552
03:00:27.090 --> 03:00:28.020
x PH07 - 08 - O - Tom Oesau: accessible to all.

1553
03:00:28.050 --> 03:00:39.510
x PH07 - 08 - O - Tom Oesau: be defined through an inclusive and participatory process design should consider not only principles of gathering and belonging but buffer the problem that development can actually instill dis belonging, thank you for your time.

1554

03:00:46.080 --> 03:00:49.770
120 Broadway Hearing Room: Thank you for your testimony question from the Commission for ministry so.

1555
03:00:51.750 --> 03:00:52.500
x PH07 - 08 - O - Tom Oesau: Well then, thank you.

1556
03:00:52.920 --> 03:00:58.260
120 Broadway Hearing Room: Our next speaker will be David cook who will be followed by Yana davi over.

1557
03:01:12.030 --> 03:01:12.450
x PH07 - 09 - O - David Kutz: there.

1558
03:01:13.710 --> 03:01:13.920
120 Broadway Hearing Room: yeah.

1559
03:01:13.980 --> 03:01:15.420
120 Broadway Hearing Room: Welcome, thank you, thank you.

1560
03:01:15.480 --> 03:01:30.840
x PH07 - 09 - O - David Kutz: Good and good afternoon, my name is David cuts on the President of art school honest and an artist in the Community arts kiwanis is a nonprofit organization that is supported artists and the greatest go on this neighborhood for the past 25 years.

1561
03:01:32.040 --> 03:01:42.420
x PH07 - 09 - O - David Kutz: Art school honest, is a proud member of the gw honest neighborhood coalition for justice and staunchly supports GMC jays top three demands and will not support the rezone unless they are met.

1562
03:01:43.350 --> 03:01:53.880
x PH07 - 09 - O - David Kutz: We further holy support the resolution put forward by Community board six within the rezoning documents, the term arts an artist appears over 200 times.

1563
03:01:54.300 --> 03:02:06.540
x PH07 - 09 - O - David Kutz: in Chapter one it states, and I quote, former loft buildings have been reused and converted to space for artists studios a trend that has led to property investment and spurred

employment growth.

1564
03:02:07.470 --> 03:02:14.160
x PH07 - 09 - O - David Kutz: Article honest has reviewed the list of artists that participated in our 2019 open studio event.

1565
03:02:15.360 --> 03:02:28.680
x PH07 - 09 - O - David Kutz: 217 artists had a studio in the area studied in the D is these artists will be directly affected by the rezoning but the tcp has neither studied this group nor provides for any mitigation.

1566
03:02:29.550 --> 03:02:39.210
x PH07 - 09 - O - David Kutz: The vast majority of these people are self employed cultural workers and should be given the same consideration as other employer, as others employed in the neighborhood.

1567
03:02:40.320 --> 03:02:47.670
x PH07 - 09 - O - David Kutz: The zoning texts includes the unique point three FM or for the go honest mix but there's no requirement that developers take advantage of this.

1568
03:02:47.970 --> 03:02:58.950
x PH07 - 09 - O - David Kutz: BONUS nor are there any provisions to assure artists, will be able to afford it if it's built will we permit this rezoning to just look Kate artists yet again.

1569
03:02:59.550 --> 03:03:01.950
x PH07 - 09 - O - David Kutz: it's time for new and better way.

1570
03:03:02.130 --> 03:03:12.120
x PH07 - 09 - O - David Kutz: to assure our creative community can survive To that end we are negotiating an agreement that will provide affordable and sustainable artists.

1571
03:03:12.120 --> 03:03:13.080
120 Broadway Hearing Room: workspaces.

1572
03:03:13.260 --> 03:03:15.540
x PH07 - 09 - O - David Kutz: But this agreement is not yet realized.

1573
03:03:16.080 --> 03:03:20.400
x PH07 - 09 - O - David Kutz: If arts go on is can achieve its goals with a fair agreement with a gnc J.

1574
03:03:20.430 --> 03:03:23.130
x PH07 - 09 - O - David Kutz: caveats article on us, will support this.

1575
03:03:23.130 --> 03:03:32.340
x PH07 - 09 - O - David Kutz: rezoning initiative, however arts Guan us insists that the city planning Commission and the New York City Council not approve the guam neighborhood plan.

1576
03:03:32.520 --> 03:03:45.360
x PH07 - 09 - O - David Kutz: Without adequate protections for the creative community that helped make this neighborhood so valuable to the developers and viable for this rezoning initiative, and thank you very much for the opportunity.

1577
03:03:47.400 --> 03:03:50.460
120 Broadway Hearing Room: Thank you for your testimony questions for Mr coats.

1578
03:03:52.830 --> 03:03:53.730
120 Broadway Hearing Room: Again, thank you.

1579
03:03:54.840 --> 03:03:59.610
120 Broadway Hearing Room: Our next speaker will be Yana top Beethoven who will be followed by Borelli.

1580
03:04:07.590 --> 03:04:09.480
x PH07 - 10 - O - Yana Davydova: Hello welcome.

1581
03:04:10.440 --> 03:04:11.340
120 Broadway Hearing Room: Thank you so much.

1582
03:04:12.030 --> 03:04:26.400
x PH07 - 10 - O - Yana Davydova: So i'm a professional musician who works and rehearsals and records and oneness and i've been one of the renders rehearsal spaces and go oneness and also recorded at the studio in the old American.

1583
03:04:26.610 --> 03:04:31.950
x PH07 - 10 - O - Yana Davydova: Can factory and I have previously commented on the insufficient research.

1584
03:04:32.370 --> 03:04:38.490
x PH07 - 10 - O - Yana Davydova: That was conducted regarding displacement of music rehearsal spaces and go on is due to rezoning.

1585
03:04:38.970 --> 03:04:50.970
x PH07 - 10 - O - Yana Davydova: And I would like to add that there is another important business that is not mentioned in the draft for the environmental impact study and it's just business to just wishes, a recording studio.

1586
03:04:51.510 --> 03:04:57.000
x PH07 - 10 - O - Yana Davydova: located in the candy factory and that's to do, can be potentially displaced as well by the rezoning.

1587
03:04:58.020 --> 03:05:06.570
x PH07 - 10 - O - Yana Davydova: This third year has been essential to invest in music since since 1979 and it hasn't been graded contributing to the.

1588
03:05:07.080 --> 03:05:21.480
x PH07 - 10 - O - Yana Davydova: New York City culture and music, since then, and a lot of iconic bands and jazz musicians have been recording them for the last 40 years our business to just survival is very essential to the music community of New York City and rezoning will create.

1589
03:05:21.990 --> 03:05:25.710
x PH07 - 10 - O - Yana Davydova: Market pressure on the candy factory, where the students are located.

1590
03:05:26.190 --> 03:05:32.130
x PH07 - 10 - O - Yana Davydova: And it will drive the prices up and it will potentially displays the studio, and this is not addressed.

1591
03:05:32.160 --> 03:05:34.470
x PH07 - 10 - O - Yana Davydova: In the D is.

1592
03:05:35.460 --> 03:05:47.040
x PH07 - 10 - O - Yana Davydova: And a couple of more points on the different subject that regarding health and wellness this rezoning would place thousands of people on the former manufactured gas plant side.

1593
03:05:47.670 --> 03:05:56.490
x PH07 - 10 - O - Yana Davydova: And also rezoning will permit land elevation changes that will put residents i'll go one is houses at an increased flood risk.

1594
03:05:57.510 --> 03:06:12.210
x PH07 - 10 - O - Yana Davydova: And just because of these points in the light of this, and address issues, I think that the city needs to redo the environmental impact study with federal agencies as in both parties, and thank you for your time.

1595
03:06:20.040 --> 03:06:20.490
120 Broadway Hearing Room: Thank you.

1596
03:06:22.980 --> 03:06:23.670
x PH07 - 10 - O - Yana Davydova: Our next speaker.

1597
03:06:23.700 --> 03:06:26.310
120 Broadway Hearing Room: will be morally, followed by Chris walters.

1598
03:06:28.140 --> 03:06:29.280
x PH07 - 01 - F - Bora Lee: hi everyone, my name is.

1599
03:06:29.610 --> 03:06:31.860
x PH07 - 01 - F - Bora Lee: sparely i'm a resident of CB six.

1600
03:06:31.920 --> 03:06:39.180
x PH07 - 01 - F - Bora Lee: And the chief of staff at the diversity Committee, which is a nonprofit comprehensive Community development corporation, whose mission is to advance.

1601
03:06:39.210 --> 03:06:41.100
x PH07 - 01 - F - Bora Lee: Economic, social and racial justice.

1602
03:06:41.580 --> 03:06:44.640
x PH07 - 01 - F - Bora Lee: And then support of kona screen and the overall rezoning.

1603
03:06:44.880 --> 03:06:47.250
x PH07 - 01 - F - Bora Lee: As it helps to affirmatively furthering fair housing.

1604
03:06:47.670 --> 03:06:59.280
x PH07 - 01 - F - Bora Lee: I also support gen Z jays demands and priorities, including upfront capital funding for local nature, communities and ensuring local accountability related to the commitments associated with the rezone.

1605
03:07:00.180 --> 03:07:04.860
x PH07 - 01 - F - Bora Lee: That was founded, following the 20th century, civil rights movement to fight the practice of vocal red.

1606
03:07:05.040 --> 03:07:08.430
x PH07 - 01 - F - Bora Lee: lining and the disinvestment and certification that process today.

1607
03:07:08.730 --> 03:07:11.190
x PH07 - 01 - F - Bora Lee: from government sanctioned practices systemic racism.

1608
03:07:12.120 --> 03:07:18.060
x PH07 - 01 - F - Bora Lee: People have forgotten that parts of park slope and Carroll gardens the neighborhood's surrounding the kiwanis area why the zoning.

1609
03:07:18.420 --> 03:07:26.160
x PH07 - 01 - F - Bora Lee: were once predominantly low income and Latin eps these were red line communities and the area around Baltic she was also an urban renewal area.

1610
03:07:26.940 --> 03:07:34.830
x PH07 - 01 - F - Bora Lee: Today, go on this and the surrounding communities are very different, this is the first rezone by the de blasio administration in a predominantly white and Upper income community.

1611
03:07:35.400 --> 03:07:49.560
x PH07 - 01 - F - Bora Lee: can be bored success only it's like one of only 10 keyboards out of 59 citywide that are predominant way it's over 60% white while New York City is just 32% white the rezoning is projected to lead.

1612
03:07:52.830 --> 03:07:59.460
x PH07 - 01 - F - Bora Lee: uses which houses jobs that are traditional more accessible to individuals about college degrees or product predominantly people of color.

1613
03:07:59.940 --> 03:08:05.940
x PH07 - 01 - F - Bora Lee: Meanwhile, industrial sector job pay more than retail the city of New York needs to commit to investment program and training for local.

1614
03:08:06.420 --> 03:08:11.280
x PH07 - 01 - F - Bora Lee: Residents many living in public housing would benefit from the supports it's a key GMC Jay parity.

1615
03:08:11.760 --> 03:08:18.480
x PH07 - 01 - F - Bora Lee: Back in our affiliate brooklyn workforce innovations, along with partners Southwest brooklyn industrial development corporation in red hook initiative.

1616
03:08:19.080 --> 03:08:24.750
x PH07 - 01 - F - Bora Lee: received 1 million private funding and 75,000 into the console discussion a support per year.

1617
03:08:25.110 --> 03:08:33.510
x PH07 - 01 - F - Bora Lee: and launch stronger together in 2014 to provide educational and workforce development, training and support to about 1300 colonists and red hook nature residents.

1618
03:08:33.870 --> 03:08:41.340
x PH07 - 01 - F - Bora Lee: So over 300 of them got employment over 100 completed high school or a got their agency at enrolled in college and 37 events.

1619
03:08:42.180 --> 03:08:54.690
x PH07 - 01 - F - Bora Lee: level through so our ap classes and then

hundreds received wraparound services, plus led to us launching a bridge program combining contextualize English language instruction with sector basic workforce training in 2019.

1620
03:08:55.050 --> 03:09:01.440
x PH07 - 01 - F - Bora Lee: It which enable form for new Yorkers with barriers to employment to be placed into commercial driving in cable installation jobs.

1621
03:09:01.710 --> 03:09:03.930
x PH07 - 01 - F - Bora Lee: With career ladders we served over 200.

1622
03:09:03.930 --> 03:09:10.380
x PH07 - 01 - F - Bora Lee: People annually placing more than 60 of them per year, even during Colbert into family supporting employment many with benefits.

1623
03:09:10.770 --> 03:09:16.500
x PH07 - 01 - F - Bora Lee: In order to sustain and expand these efforts and target the residents and go honest and red hook, who are limited English proficient.

1624
03:09:16.980 --> 03:09:27.390
x PH07 - 01 - F - Bora Lee: And who need them, the city of New York needs to provide multi year investment or have at least 250,000 annually in these proven programs benefiting local residents Thank you so much for.

1625
03:09:27.390 --> 03:09:27.930
120 Broadway Hearing Room: letting me this.

1626
03:09:29.820 --> 03:09:31.500
120 Broadway Hearing Room: amazing time management monthly.

1627
03:09:32.940 --> 03:09:34.110
120 Broadway Hearing Room: Questions from the Commission.

1628
03:09:35.100 --> 03:09:36.450
x PH07 - 01 - F - Bora Lee: Thank you well, thank you.

1629
03:09:37.140 --> 03:09:41.520

120 Broadway Hearing Room: Our next speaker will be altered, who will be followed by Paul Healy.

1630
03:09:54.210 --> 03:10:02.760
x PH07 - 02 - F - Chris Walters: Thank you and thank you for the opportunity to testify, my name is Chris waters and i'm the land use policy coordinator at the Association for neighborhood and housing development in hd.

1631
03:10:03.270 --> 03:10:11.130
x PH07 - 02 - F - Chris Walters: hd is a nonprofit organization, whose mission is to build Community power to win affordable housing and thriving equitable neighborhoods for all new Yorkers.

1632
03:10:11.580 --> 03:10:21.750
x PH07 - 02 - F - Chris Walters: We provide technical assistance and support to community groups in numerous neighborhood rezoning during the deposit years, this is the first of those reasonings that we feel could advance racial equity in our city.

1633
03:10:22.320 --> 03:10:23.670
x PH07 - 02 - F - Chris Walters: Only if it is done correctly.

1634
03:10:24.090 --> 03:10:28.020
x PH07 - 02 - F - Chris Walters: stressing that there are vital modifications and commitments that must be made to get there.

1635
03:10:28.770 --> 03:10:35.400
x PH07 - 02 - F - Chris Walters: It was rezoning is a chance to advance racial equity by bringing more affordable housing and a higher ratio, that is being produced today.

1636
03:10:35.670 --> 03:10:41.670
x PH07 - 02 - F - Chris Walters: To a wider and wealthier Community district in housing they're more accessible to a wider range of New York households.

1637
03:10:42.240 --> 03:10:49.890
x PH07 - 02 - F - Chris Walters: The governance rezoning is the first deposit rezoning where the EAS finds that the new housing would bring in a lower income population in total than exists today.

1638
03:10:50.310 --> 03:10:58.710
x PH07 - 02 - F - Chris Walters: Through the affordable housing that myth would provide This makes it all the more imperative that the deepest ma each options, one in three be mapped as part of the rezoning.

1639
03:10:59.580 --> 03:11:04.470
x PH07 - 02 - F - Chris Walters: But advancing racial equity only works if that principle is central to all aspects of the rezoning.

1640
03:11:05.160 --> 03:11:14.190
x PH07 - 02 - F - Chris Walters: This means, first and foremost company upfront funding for for capital needs and local nature developments for honest houses and wake up gardens over $200 million.

1641
03:11:14.700 --> 03:11:22.590
x PH07 - 02 - F - Chris Walters: Preserving this vital source of affordable housing is crucial for the neighborhoods future if its capital needs aren't met its residents stand a chance of being displaced.

1642
03:11:23.370 --> 03:11:36.270
x PH07 - 02 - F - Chris Walters: This also means strengthening and protecting industrial jobs, jobs that play a key role in creating a robust middle class, for a workforce that is over 80% people of color to achieve this, the city must preserve.

1643
03:11:37.410 --> 03:11:38.400
x PH07 - 02 - F - Chris Walters: Our spaces.

1644
03:11:38.730 --> 03:11:41.790
x PH07 - 02 - F - Chris Walters: But making an incentive of flir for specific user groups.

1645
03:11:41.820 --> 03:11:53.400
x PH07 - 02 - F - Chris Walters: In the GLONASS mics that are limited to production and repair and art uses exclusively acknowledging the is that Ibiza for industrial preservation specifically and analyze the effects of the rezoning on industrial businesses.

1646
03:11:53.400 --> 03:11:57.630
x PH07 - 02 - F - Chris Walters: There and commit to deeper protections for industrial businesses.

1647
03:11:57.660 --> 03:12:05.850
x PH07 - 02 - F - Chris Walters: In the rbc, including women in computing uses a specific capital dollar commitment for infrastructure and specific dollar amounts for workforce development.

1648
03:12:06.660 --> 03:12:16.290
x PH07 - 02 - F - Chris Walters: Only if racial equity is centered in these ways to all aspects of the rezoning well this proposal offer the opportunity to truly move our city forward, thank you for the opportunity.

1649
03:12:16.410 --> 03:12:16.800
Thank you.

1650
03:12:21.750 --> 03:12:24.360
120 Broadway Hearing Room: Thank you for testifying a question for Mr Walter.

1651
03:12:26.160 --> 03:12:31.860
120 Broadway Hearing Room: Thank you, our next speaker will be Paul Healy who will be followed by David Wilson.

1652
03:12:34.050 --> 03:12:40.080
x PH07 - 03 - F - Paul Healy: Good afternoon, all share a large on Commissioners, my name is Paul Daley and i'm representing marvel in support of the goal in this neighborhood plan.

1653
03:12:40.920 --> 03:12:45.390
x PH07 - 03 - F - Paul Healy: marble or the lead architects and designers for the goal on the screen project at the public place site and.

1654
03:12:45.660 --> 03:12:54.900
x PH07 - 03 - F - Paul Healy: brooklyn's committee district things we, along with Jonathan rose companies some companies fifth avenue Committee and the blue stone organization part of the development team that will be.

1655
03:12:55.470 --> 03:12:57.390
x PH07 - 03 - F - Paul Healy: released by hdd in 2007.

1656
03:12:57.840 --> 03:13:10.140
x PH07 - 03 - F - Paul Healy: To develop the mixed use mixed income affordable housing project on a 5.8 acre city on site, the rfp winning project from 2007 775 new homes 75% of which were to be affordable.

1657
03:13:10.320 --> 03:13:11.670
x PH07 - 03 - F - Paul Healy: And 25% market rate.

1658
03:13:12.660 --> 03:13:25.080
x PH07 - 03 - F - Paul Healy: The current project because it's 950 units under percent of which will be affordable serving new Yorkers with a wide range of incomes and needs over the course of the past number of years we participated in Community workshops, with the CB six Community members.

1659
03:13:25.110 --> 03:13:27.120
x PH07 - 03 - F - Paul Healy: To establish and promote key design principles.

1660
03:13:27.810 --> 03:13:29.220
x PH07 - 03 - F - Paul Healy: on which to base the goal on the screen.

1661
03:13:30.480 --> 03:13:40.050
x PH07 - 03 - F - Paul Healy: In addition to creating affordable housing for people of all incomes These principles include creating an inclusive, sustainable and environmentally healthy community, which will facilitate a thriving neighborhood.

1662
03:13:41.250 --> 03:13:45.960
x PH07 - 03 - F - Paul Healy: The creation of a quality public realm has been a key goal for the design team throughout the design process.

1663
03:13:46.350 --> 03:13:53.670
x PH07 - 03 - F - Paul Healy: Working with scape landscape architects we've designed a series of active and passive landscape places which will connect with the future park along the gowanus Canal.

1664
03:13:54.300 --> 03:14:08.100
x PH07 - 03 - F - Paul Healy: These landscapes spaces incorporate bias whales and rain gardens, which form the basis of our goal to divert 100% of the onsite stormwater away from the combined Sir and have a net zero CSO development, promoting a long term vision for resiliency

sustainability for the Community.

1665
03:14:09.240 --> 03:14:11.190
120 Broadway Hearing Room: we've striven designed the massing of the proposed.

1666
03:14:11.190 --> 03:14:20.700
x PH07 - 03 - F - Paul Healy: Seven buildings on the public place site, but sensitivity around and context, creating a lower contextual base building height along the Smith street and fifth street and canal frontage.

1667
03:14:21.150 --> 03:14:35.400
x PH07 - 03 - F - Paul Healy: positioning the Torah building elements towards the Center the site, the flexibility built into the proposed zoning texts allows us to modulate these building heights, to the benefit of the street level pedestrian experience, thank you for the opportunity to testify today.

1668
03:14:38.280 --> 03:14:40.890
120 Broadway Hearing Room: Thank you for today, thank you for testifying this particular.

1669
03:14:42.150 --> 03:14:42.600
120 Broadway Hearing Room: question.

1670
03:14:44.730 --> 03:14:50.040
120 Broadway Hearing Room: Thank you, then our next speaker will be David unison, who will be followed by Madeline.

1671
03:15:04.290 --> 03:15:04.740
Welcome

1672
03:15:07.560 --> 03:15:27.180
x PH07 - 04 - F - david yudelson: My name is David udall said i'm an attorney with side pageant and roselle i've been helping owners on the canal remediate sites, starting in 1996 and i've worked in coordination with the sea or we are an EPA to facilitate these remediation.

1673
03:15:28.920 --> 03:15:40.530
x PH07 - 04 - F - david yudelson: i'd like to commend the rezoning

effort, because it is what will facilitate the upland remediation and ensure that the Federal remedy remains in place.

1674
03:15:42.150 --> 03:15:46.980
x PH07 - 04 - F - david yudelson: It without the redevelopment the plans will not get cleaned up anytime soon.

1675
03:15:48.000 --> 03:15:54.210
x PH07 - 04 - F - david yudelson: And with the redevelopment we get to upgrade our infrastructure of both sanitary and storm water systems.

1676
03:15:54.600 --> 03:15:57.510
x PH07 - 04 - F - david yudelson: To keep the CSO impacts to a minimum.

1677
03:15:59.250 --> 03:16:12.210
x PH07 - 04 - F - david yudelson: On that point, is imperative that there be no storm water added to the combined sewer system, and that should be a focal point for this group, thank you.

1678
03:16:16.140 --> 03:16:18.120
120 Broadway Hearing Room: Thank you, questions for Mr beautiful.

1679
03:16:19.920 --> 03:16:26.550
120 Broadway Hearing Room: Thank you for testifying our next speaker will be meddling Brit who will be followed by Dimitri schenkel.

1680
03:16:28.800 --> 03:16:29.430
120 Broadway Hearing Room: afternoon.

1681
03:16:29.700 --> 03:16:35.970
x PH07 - 05 - F - Madelaine Britt: Thank you for the opportunity to testify today, my name is Madeline Britt and i'm a policy analyst at citizens' housing and planning Council.

1682
03:16:36.300 --> 03:16:41.940
x PH07 - 05 - F - Madelaine Britt: CPC is a nonprofit organization focused on improving housing policy and planning here in New York City.

1683
03:16:42.450 --> 03:16:48.480
x PH07 - 05 - F - Madelaine Britt: New York City, is in a housing crisis

on any given night over 50,000 new Yorkers are sleeping and shelters, are on the streets.

1684
03:16:48.870 --> 03:16:56.220
x PH07 - 05 - F - Madelaine Britt: 400,000 public housing residents indoor the daily threats to quality of life, health and safety posed by niches unmet capital needs.

1685
03:16:56.610 --> 03:17:03.930
x PH07 - 05 - F - Madelaine Britt: Nearly half of the city's residents are in burdened many severely so with few options for affordable housing and high opportunity neighborhoods.

1686
03:17:04.440 --> 03:17:12.060
x PH07 - 05 - F - Madelaine Britt: Rising housing costs and to displace longstanding communities who have for decades suffered the legacy impacts of segregation and disinvestment.

1687
03:17:12.660 --> 03:17:20.250
x PH07 - 05 - F - Madelaine Britt: CC applauds tcp Community board six and the countless elected officials residents and stakeholders who have worked together to create this plan.

1688
03:17:20.700 --> 03:17:29.820
x PH07 - 05 - F - Madelaine Britt: Not only will the rezoning create at least 3000 new units of desperately needed affordable housing as we've talked about today, but it will also do so in an area that benefits greatly from.

1689
03:17:29.850 --> 03:17:32.730
x PH07 - 05 - F - Madelaine Britt: ample access to jobs, services and transit.

1690
03:17:33.060 --> 03:17:39.930
x PH07 - 05 - F - Madelaine Britt: This plan represents a real opportunity to further fair housing goals and address systemic inequality in our housing stock and neighborhoods.

1691
03:17:40.470 --> 03:17:47.610
x PH07 - 05 - F - Madelaine Britt: In this context, we want to earn the Commission to ensure that every opportunity to build a more equitable New York City through this rezoning as met.

1692
03:17:48.210 --> 03:17:54.210
x PH07 - 05 - F - Madelaine Britt: funding and commitments to improve the living conditions of GLONASS houses and why cough card and residents must be secured.

1693
03:17:54.660 --> 03:18:02.760
x PH07 - 05 - F - Madelaine Britt: And while we applaud the reduction of parking requirements included in the current proposal, we also encourage the Commission to actually lower requirements even further.

1694
03:18:03.120 --> 03:18:05.970
x PH07 - 05 - F - Madelaine Britt: To provide a streamlined pathway for requirements to be waived.

1695
03:18:06.450 --> 03:18:14.550
x PH07 - 05 - F - Madelaine Britt: With 11 different train lines go honest is more transit accessible than any other neighborhood rezone for myth and is comparable and access to them and hand core.

1696
03:18:15.000 --> 03:18:21.090
x PH07 - 05 - F - Madelaine Britt: Cities across the country have eliminated parking requirements to fight the health and environmental hazards posed by car culture.

1697
03:18:21.420 --> 03:18:22.650
x PH07 - 05 - F - Madelaine Britt: In the face of climate change.

1698
03:18:22.980 --> 03:18:28.170
x PH07 - 05 - F - Madelaine Britt: And done right, the goal honest rezoning can be a catalyst for Climate Action and environmental justice in New York City.

1699
03:18:28.620 --> 03:18:37.770
x PH07 - 05 - F - Madelaine Britt: So CHP is eager to see this plan move forward in the most impactful way possible, and we think the Commission for this important work and would be happy to answer any questions you may have, thank you.

1700
03:18:38.880 --> 03:18:40.800
120 Broadway Hearing Room: Thank you, questions for miss bird.

1701
03:18:43.140 --> 03:18:49.500
120 Broadway Hearing Room: Thanks for testifying our next speaker will be Dimitri Sankoh to be followed by Lucy Christine.

1702
03:18:51.480 --> 03:18:53.070
x PH07 - 16 - O - Dmitry Ishenko: hi can you hear me.

1703
03:18:54.630 --> 03:18:55.920
120 Broadway Hearing Room: Yes, welcome I.

1704
03:18:56.430 --> 03:19:01.380
x PH07 - 16 - O - Dmitry Ishenko: Thank you for letting me speak my name is Dimitri schenkel and I would like to speak in opposition to the rezoning plan.

1705
03:19:01.950 --> 03:19:06.870
x PH07 - 16 - O - Dmitry Ishenko: The way it currently stands i'm a professional musician working in rehearsal spaces and go on us.

1706
03:19:07.080 --> 03:19:11.190
x PH07 - 16 - O - Dmitry Ishenko: and recording multiple times at the BC studio in the old American can factory.

1707
03:19:12.090 --> 03:19:18.600
x PH07 - 16 - O - Dmitry Ishenko: I have previously commented on the poor research that was conducted regarding music rehearsal spaces and environmental protection study.

1708
03:19:19.050 --> 03:19:21.630
x PH07 - 16 - O - Dmitry Ishenko: Particularly the space of 261 Douglas street.

1709
03:19:21.660 --> 03:19:25.260
x PH07 - 16 - O - Dmitry Ishenko: band spaces nyc, which is a home to hundreds of musicians who.

1710
03:19:25.260 --> 03:19:25.500
120 Broadway Hearing Room: Would.

1711
03:19:25.620 --> 03:19:26.580
x PH07 - 16 - O - Dmitry Ishenko: be displaced by.

1712
03:19:26.910 --> 03:19:41.430
x PH07 - 16 - O - Dmitry Ishenko: The rezoning i'd also like to add that BC studio survival that's an old American can factory is essential to the music Community here and that market pressure on the candy factory can with any new development with any the development of the site.

1713
03:19:41.460 --> 03:19:43.080
120 Broadway Hearing Room: mix it potentially displaced.

1714
03:19:44.100 --> 03:19:55.050
x PH07 - 16 - O - Dmitry Ishenko: This is also not addressed in the study and it needs to be has BC studio is a vital New York music institution that has been in the candy factory since 1979 and really deserves its own landmark status.

1715
03:19:55.890 --> 03:20:06.930
x PH07 - 16 - O - Dmitry Ishenko: Another issue i'd like to continue with with the rezoning plan as it is, is the public place which place thousands of people in a former manufacturer gas plant site.

1716
03:20:07.860 --> 03:20:11.970
x PH07 - 16 - O - Dmitry Ishenko: And is located next to a federal superfund site and it's really a shame that the.

1717
03:20:12.000 --> 03:20:15.690
x PH07 - 16 - O - Dmitry Ishenko: Only substantial affordable housing and then target honest rezoning as planned for this.

1718
03:20:15.690 --> 03:20:16.470
120 Broadway Hearing Room: site it's.

1719
03:20:16.680 --> 03:20:18.210
x PH07 - 16 - O - Dmitry Ishenko: That really needs to be reconsidered.

1720
03:20:19.230 --> 03:20:24.870
x PH07 - 16 - O - Dmitry Ishenko: The rezoning would also permit land and elevation changes and put residents of niches go on us houses that

increased blood risk.

1721
03:20:25.140 --> 03:20:33.090
x PH07 - 16 - O - Dmitry Ishenko: After superstorm sandy effect that the guavas houses disproportionately are elected officials asked for a comprehensive plan for infrastructure flood protection and lend us.

1722
03:20:33.750 --> 03:20:41.940
x PH07 - 16 - O - Dmitry Ishenko: noting that the regretting could affect the baton and water displacement, the study does not include a comprehensive plan for this, as it is standing now.

1723
03:20:42.810 --> 03:20:47.850
x PH07 - 16 - O - Dmitry Ishenko: The EPA commanded commented in a letter up to elected officials on July 13, and I quote.

1724
03:20:48.330 --> 03:20:57.780
x PH07 - 16 - O - Dmitry Ishenko: There are several and consistencies in the DS between modeling performed for the long term control plan for the canal and for EPA associated with a remedial design.

1725
03:20:58.290 --> 03:21:03.390
x PH07 - 16 - O - Dmitry Ishenko: For the CSR retention tanks these is in consistencies need to be resolved and quote.

1726
03:21:04.290 --> 03:21:15.300
x PH07 - 16 - O - Dmitry Ishenko: Due to these and addressed issues and the potential for an environmental injustice, I urge the city to redo the environmental impact study with federal agencies as involved parties in planning this rezoning as the.

1727
03:21:15.570 --> 03:21:16.530
120 Broadway Hearing Room: Other process.

1728
03:21:16.830 --> 03:21:18.360
x PH07 - 16 - O - Dmitry Ishenko: should not be happening right now with.

1729
03:21:18.480 --> 03:21:22.110
x PH07 - 16 - O - Dmitry Ishenko: The wasting is currently stand, with a study Thank you so much for your time.

1730
03:21:23.940 --> 03:21:25.830
120 Broadway Hearing Room: Thank you Lucy shankar questions.

1731
03:21:28.020 --> 03:21:28.770
Thank you very much.

1732
03:21:30.600 --> 03:21:31.830
120 Broadway Hearing Room: Lucy coaching.

1733
03:21:32.640 --> 03:21:33.450
x PH07 - 17 - O - Lucy Koteen: hi Hello.

1734
03:21:33.510 --> 03:21:43.650
x PH07 - 17 - O - Lucy Koteen: Good afternoon hi my name is Lucy CoE to testify, on behalf of the Sierra club, a national environmental advocacy group of the city wide membership and.

1735
03:21:43.650 --> 03:21:45.000
120 Broadway Hearing Room: 15,000 people.

1736
03:21:45.660 --> 03:21:56.880
x PH07 - 17 - O - Lucy Koteen: The New York City group of the Sierra club strongly opposes the go on this neighborhood rezoning it is premature to discuss any rezoning until the cleanup is completed and evaluated by the EPA.

1737
03:21:57.450 --> 03:22:12.180
x PH07 - 17 - O - Lucy Koteen: The process could not be more backwards if the city is serious about placing housing here, there must first be a 100% cleaned up of these toxic lands, including the completion of the superfund clean up the installation of the to retention tanks.

1738
03:22:12.330 --> 03:22:14.430
x PH07 - 17 - O - Lucy Koteen: Review of the entire sewer should.

1739
03:22:14.610 --> 03:22:21.840
x PH07 - 17 - O - Lucy Koteen: and new sewers built I can handle the additional load the city has said that the installation of the retention takes will not take.

1740
03:22:21.840 --> 03:22:24.900
x PH07 - 17 - O - Lucy Koteen: place until June 2029 and August.

1741
03:22:24.930 --> 03:22:29.010
x PH07 - 17 - O - Lucy Koteen: 2030, why is this being rushed through at least nine years in.

1742
03:22:29.010 --> 03:22:29.640
x PH07 - 17 - O - Lucy Koteen: advance.

1743
03:22:29.910 --> 03:22:31.710
x PH07 - 17 - O - Lucy Koteen: advance of the installations.

1744
03:22:32.220 --> 03:22:45.300
x PH07 - 17 - O - Lucy Koteen: Furthermore, when the retention tank size was calculated, it was only factor calculated to the current condition of csos an overflow not to the conditions, with all the new housing being built throughout.

1745
03:22:45.360 --> 03:22:55.440
x PH07 - 17 - O - Lucy Koteen: The area by 2030, how can you know what the House and conditions will be in 2013 no one planned for pandemic and we see it has brought.

1746
03:22:55.500 --> 03:22:57.270
120 Broadway Hearing Room: unpredictable consequences.

1747
03:22:57.570 --> 03:23:01.740
x PH07 - 17 - O - Lucy Koteen: Including the need to adapt lovely repurpose buildings in the city.

1748
03:23:02.640 --> 03:23:11.940
x PH07 - 17 - O - Lucy Koteen: EPA acting regional administrator Walter mugged and says EPA expects to provide comments on the draft environmental impact statement the D is.

1749
03:23:12.270 --> 03:23:25.140
x PH07 - 17 - O - Lucy Koteen: identifying a number of inconsistencies in the presentation of wastewater and storm water calculations, in addition, the EPA has identified errors and other GIs calculations.

1750
03:23:25.560 --> 03:23:41.910
x PH07 - 17 - O - Lucy Koteen: watershed remodel watershed modeling relied on a 2008 model storm year what is abundantly clear is that much has changed in climate change since 2008, in other words the city's.

1751
03:23:41.910 --> 03:23:43.320
x PH07 - 17 - O - Lucy Koteen: Working off a seer.

1752
03:23:43.380 --> 03:23:50.520
x PH07 - 17 - O - Lucy Koteen: severely flood D is the consequences of climate change have not been taken into account in the rezoning.

1753
03:23:51.180 --> 03:23:57.840
x PH07 - 17 - O - Lucy Koteen: The upshot of flawed modeling for the DEA is is that it must be redone or amended with the correct modeling.

1754
03:23:58.530 --> 03:24:05.220
x PH07 - 17 - O - Lucy Koteen: disturbing to Sierra club as a plan to place 950 units of low income housing on us and the school and public place.

1755
03:24:05.520 --> 03:24:16.830
x PH07 - 17 - O - Lucy Koteen: which has been identified as being highly polluted with coal tar that will continue to migrate to the soil for many years EPA senior project manager the go on is canal super fun priestess the Armas.

1756
03:24:17.040 --> 03:24:18.900
x PH07 - 17 - O - Lucy Koteen: As question of the slack and ever be.

1757
03:24:18.900 --> 03:24:19.710
120 Broadway Hearing Room: remediated.

1758
03:24:20.220 --> 03:24:35.310
x PH07 - 17 - O - Lucy Koteen: This appears to be a love canal situation in the making, that can clearly be avoided if affordable housing is the goal, then find a safe non toxic place to build affordable housing find a site that is not likely to cause cancer and have other health impacts.

1759

03:24:35.340 --> 03:24:36.780
120 Broadway Hearing Room: Of the children and others.

1760
03:24:37.380 --> 03:24:37.680
x PH07 - 17 - O - Lucy Koteen: Who.

1761
03:24:37.980 --> 03:24:39.000
120 Broadway Hearing Room: Thank you misquoting.

1762
03:24:39.780 --> 03:24:40.200
x PH07 - 17 - O - Lucy Koteen: Thank you.

1763
03:24:44.280 --> 03:24:44.790
120 Broadway Hearing Room: Thank you.

1764
03:24:45.930 --> 03:24:47.580
120 Broadway Hearing Room: Other questions for this coating.

1765
03:24:50.040 --> 03:24:54.600
120 Broadway Hearing Room: Thank you very much you're welcome to submit your testimony and writing misquoting.

1766
03:24:56.130 --> 03:24:57.270
120 Broadway Hearing Room: Jesse Solomon.

1767
03:25:03.180 --> 03:25:04.350
120 Broadway Hearing Room: Jesse Solomon.

1768
03:25:10.560 --> 03:25:12.120
120 Broadway Hearing Room: Lynn Newman.

1769
03:25:14.520 --> 03:25:15.870
120 Broadway Hearing Room: Men Newman.

1770
03:25:19.950 --> 03:25:21.000
x PH07 - 19 - O - Lynn Neuman: hello, can you hear me.

1771
03:25:21.990 --> 03:25:22.980

120 Broadway Hearing Room: I can thank you.

1772
03:25:23.460 --> 03:25:34.920
x PH07 - 19 - O - Lynn Neuman: Thank you, my name is Lynn Newman and i'm as a resident of CB six and represent 350 brooklyn countering the climate crisis through local action and organizational number of local honest neighborhood coalition for justice.

1773
03:25:35.310 --> 03:25:39.660
x PH07 - 19 - O - Lynn Neuman: 350 brooklyn and gnc Jay do not support the rezoning unless gn to.

1774
03:25:39.780 --> 03:25:43.950
x PH07 - 19 - O - Lynn Neuman: gnc J is top three demands are met i'm sure you're fully aware of them, but I will repeat.

1775
03:25:44.400 --> 03:25:51.960
x PH07 - 19 - O - Lynn Neuman: Full capital funding for local Niger developments net zero csos into the canal, and the creation of the go honest zoning commitment Task Force.

1776
03:25:52.590 --> 03:26:04.980
x PH07 - 19 - O - Lynn Neuman: Environmental justice demands that people of all races incomes and cultures have a right to a safe, quality of life, this is not the case and go on as houses and why cough gardens where residents have been living in some standard and often dangerous.

1777
03:26:04.980 --> 03:26:05.610
120 Broadway Hearing Room: Conditions.

1778
03:26:06.330 --> 03:26:10.410
x PH07 - 19 - O - Lynn Neuman: The city is author of 20% does not scratch the surface of this mean.

1779
03:26:11.010 --> 03:26:20.130
x PH07 - 19 - O - Lynn Neuman: Asking residents to choose between mold free baths and safe electrical systems is deplorable, pitting go on as houses and why called gardens against each other is divisible.

1780
03:26:20.550 --> 03:26:27.750
x PH07 - 19 - O - Lynn Neuman: These options set precedent for the future

of us all to choose between basic human rights, this is not the type of society that I want to live in.

1781
03:26:28.680 --> 03:26:34.590
x PH07 - 19 - O - Lynn Neuman: Regarding csos in the canal, the city must follow the EPA timeline to construct the CSO retention tanks.

1782
03:26:34.920 --> 03:26:41.760
x PH07 - 19 - O - Lynn Neuman: Additionally, the D is does not study the capacity for regular dry day sewage from go on us to red hook through existing infrastructure.

1783
03:26:42.090 --> 03:26:51.720
x PH07 - 19 - O - Lynn Neuman: We do not want to displace a health and environmental hazard onto a neighboring community we care about our neighbors and demand equity and this critically needs attention.

1784
03:26:52.710 --> 03:26:57.390
x PH07 - 19 - O - Lynn Neuman: i've been part of a Community involved in envisioning the future of go on us for over 10 years.

1785
03:26:57.750 --> 03:27:05.190
x PH07 - 19 - O - Lynn Neuman: The city must commit to and fund a task force to ensure compliance with public and private commitments and adherence to these requirements.

1786
03:27:05.670 --> 03:27:13.200
x PH07 - 19 - O - Lynn Neuman: Working with locally invested parties produces greater civic support and more resilient community, this is the type of society that I want to see.

1787
03:27:14.160 --> 03:27:19.170
x PH07 - 19 - O - Lynn Neuman: guana is in desperate need a green space we suffer from urban heat island effect.

1788
03:27:19.800 --> 03:27:33.150
x PH07 - 19 - O - Lynn Neuman: The proposed rezoning does not meet the city's own recommendations for open outdoor space with climate change, the intensity and length of heat waves, is worsening as as the frequency and severity of communicable viruses, like the coronavirus.

1789

03:27:33.690 --> 03:27:40.530
x PH07 - 19 - O - Lynn Neuman: Given all this, the current plan is not nearly adequate to provide a sustainable way of life for Guan us residents and, in fact.

1790
03:27:40.830 --> 03:27:46.080
x PH07 - 19 - O - Lynn Neuman: The rezoning encourages people to move into an area that is potentially detrimental to their wellbeing.

1791
03:27:46.440 --> 03:28:01.950
x PH07 - 19 - O - Lynn Neuman: This is not planning that is responsive to the times and realities of climate change or responsible to the people of New York City until this plan is amended to put people who live here or potentially live here first I 350 brooklyn and GMC J reject the rezoning Thank you.

1792
03:28:03.360 --> 03:28:05.640
120 Broadway Hearing Room: Thank you, questions for this Newman.

1793
03:28:06.780 --> 03:28:07.350
120 Broadway Hearing Room: questions.

1794
03:28:08.430 --> 03:28:09.180
120 Broadway Hearing Room: Thank you very much.

1795
03:28:10.470 --> 03:28:12.060
120 Broadway Hearing Room: Diana greenberg.

1796
03:28:13.980 --> 03:28:15.330
Diana Robert.

1797
03:28:19.710 --> 03:28:26.400
120 Broadway Hearing Room: hello, thank you for the opportunity to testify, I am Diana Gruber landscape director of Guadalcanal conservancy.

1798
03:28:26.970 --> 03:28:36.480
120 Broadway Hearing Room: We are a proud member of the GLONASS neighborhood coalition for justice and, as others have said, we will not support the rezoning unless it includes full capital funding for local nature developments.

1799
03:28:36.990 --> 03:28:43.860
120 Broadway Hearing Room: net zero CSO and the creation of a task force to hold the city and all parties accountable for commitments made through the reasoning process.

1800
03:28:45.030 --> 03:28:55.920
120 Broadway Hearing Room: The quantity daunting like critical open space on private and public lands, however, the DEA is shows that there will be a decrease in the active open space ratio, with the addition of 10s of thousands of the residents.

1801
03:28:57.030 --> 03:29:07.410
120 Broadway Hearing Room: The city, must ensure that new open spaces are active and engaging through a combination of commitments on public land and clear pathways for encouraging private owners to create spaces that me community.

1802
03:29:08.850 --> 03:29:13.860
120 Broadway Hearing Room: on private land developers will be required to construct and maintain about four acres of public waterfront space.

1803
03:29:14.820 --> 03:29:22.260
120 Broadway Hearing Room: The waterfront access plan or web make strides in reaching Community goals your new rules allowing for diverse about televisions wetlands.

1804
03:29:22.680 --> 03:29:29.310
120 Broadway Hearing Room: more appropriate lighting levels and incentives for amenities, however, as you know, the zoning tools, like the Web are limited.

1805
03:29:30.270 --> 03:29:38.250
120 Broadway Hearing Room: The D is called for 50% of the waterfront to be active programs based, but the West has not yet provide a path to achieve active and engaging spaces.

1806
03:29:38.640 --> 03:29:48.030
120 Broadway Hearing Room: The Community has asked for like botox playgrounds performance space and barbecues instead of the passive waterfronts that we often end up seeing develop.

1807

03:29:48.780 --> 03:29:56.610
120 Broadway Hearing Room: The Department of city planning in the parks department must give the Community a voice in the water from certification process to inform the design of the public space built on each property.

1808
03:29:57.810 --> 03:30:05.310
120 Broadway Hearing Room: and publicly on the city has the opportunity to create a vibrant and activated network of parks and public space, but only if he commits to clear capital investment.

1809
03:30:06.210 --> 03:30:11.220
120 Broadway Hearing Room: In the public spaces and amenities, that the Community needs public street ends can be gateway to the water.

1810
03:30:11.760 --> 03:30:21.900
120 Broadway Hearing Room: we're both launches get Downs and bbq areas, allow the Community to gather and access the canal and public places, uniquely large space should be home to a boathouse plays bass and recreation.

1811
03:30:22.800 --> 03:30:36.720
120 Broadway Hearing Room: At the head ncsl facility in park city should invest in what would be the only large performance based in the neighborhood in Thomas green Park, the city must invest additional money in reaching the communities vision, including a renovated pool and pool house.

1812
03:30:37.740 --> 03:30:43.410
120 Broadway Hearing Room: schoolyards throughout the neighborhoods to be converted to publicly accessible playgrounds to provide much needed active space.

1813
03:30:44.490 --> 03:30:54.030
120 Broadway Hearing Room: And at the salt lot a new education and stewardship Center can provide students of all ages, have access to propose to propose salt marsh that harkens back to the oneness of 400 years ago.

1814
03:30:55.200 --> 03:31:03.570
120 Broadway Hearing Room: But all this will only be sustained with funding for maintenance and programming, so the city must commit to work with local stakeholders on the creation of a parks improvement district.

1815
03:31:04.110 --> 03:31:14.490
120 Broadway Hearing Room: This would tax new development to fund programming and maintenance of public space to ensure that it stays vibrant and accessible long into the future, thank you for your time, thank you, Miss group or questions.

1816
03:31:16.020 --> 03:31:16.440
Thank you.

1817
03:31:17.760 --> 03:31:21.390
120 Broadway Hearing Room: Martin vocal Martin vocal.

1818
03:31:23.490 --> 03:31:24.750
x PH07 - 11 - F - Martin Voelkle: Definitely known everyone.

1819
03:31:25.200 --> 03:31:25.800
x PH07 - 11 - F - Martin Voelkle: Can you hear me.

1820
03:31:26.730 --> 03:31:27.750
120 Broadway Hearing Room: Yes, okay.

1821
03:31:29.160 --> 03:31:43.470
x PH07 - 11 - F - Martin Voelkle: With big architects in dumbo we are working on the current parking lot of eyes and vehicles and the opposite side of whole foods and we found that as well crafted zoning proposal is providing many opportunities to achieve an ambitious design a balancing.

1822
03:31:44.820 --> 03:31:46.440
x PH07 - 11 - F - Martin Voelkle: density, with a human scale neighborhood.

1823
03:31:46.440 --> 03:31:47.070
120 Broadway Hearing Room: experience.

1824
03:31:47.610 --> 03:31:48.180
x PH07 - 11 - F - Martin Voelkle: It allows for.

1825
03:31:48.390 --> 03:31:53.160

x PH07 - 11 - F - Martin Voelkle: To carefully position at all volumes and a seamless connection between the building and public realm.

1826
03:31:53.760 --> 03:32:00.300
x PH07 - 11 - F - Martin Voelkle: We were able to integrate an accessible bike path into the lower back to the building it right access to the residences and school Program.

1827
03:32:01.170 --> 03:32:12.480
x PH07 - 11 - F - Martin Voelkle: A more flexible, building on will have insurance at 20% of the side and on the canal can be reserved for the waterfront astronaut, which will create visibility and access to the canal from Jason communities by a visible.

1828
03:32:12.720 --> 03:32:23.850
x PH07 - 11 - F - Martin Voelkle: visual corridors, this will also help to grow in the neighborhood with the addition of new word different parts by ourselves and lots of trees facilitate greater resiliency and sustainability along the canal.

1829
03:32:24.960 --> 03:32:36.600
x PH07 - 11 - F - Martin Voelkle: The zoning proposal bites incentives to create mixed use development, including industrial arts related use uses it will allow for some of the quirky and cultural establishments that are typical for the neighborhood to remain.

1830
03:32:37.320 --> 03:32:47.940
x PH07 - 11 - F - Martin Voelkle: Active grand first will further and live in live in a neighborhood and we also aiming to create a mobilization and bike friendly that district to reduce parking and loading requirements.

1831
03:32:48.840 --> 03:33:02.730
x PH07 - 11 - F - Martin Voelkle: As a resident of Canada, and I know how hard and expensive expensive it is to find adequate housing in this area and I cannot wait for more active forward and sustainable governance neighborhood to be realized for this time, thank you for your time.

1832
03:33:04.140 --> 03:33:05.340
120 Broadway Hearing Room: Thank you, questions.

1833
03:33:07.830 --> 03:33:08.280

120 Broadway Hearing Room: Thank you.

1834
03:33:09.360 --> 03:33:10.740
120 Broadway Hearing Room: Randy peers.

1835
03:33:11.850 --> 03:33:13.170
120 Broadway Hearing Room: Randy peers.

1836
03:33:14.040 --> 03:33:14.760
x PH07 - 12 - F - Randy Peers: Yes, i'm here.

1837
03:33:15.180 --> 03:33:18.720
120 Broadway Hearing Room: can hear me, yes, Sir, thank you great.

1838
03:33:19.650 --> 03:33:24.480
x PH07 - 12 - F - Randy Peers: appears President CEO the brooklyn Chamber of Commerce, we are the largest Chamber in New York state.

1839
03:33:24.990 --> 03:33:37.440
x PH07 - 12 - F - Randy Peers: Part of our mission is to promote job growth and economic development throughout the borough at the brooklyn Chamber of Commerce, we have a bird's eye view of the entire borough including each communities unique needs in relation to economic recovery.

1840
03:33:37.980 --> 03:33:39.960
x PH07 - 12 - F - Randy Peers: What is consistent, regardless of which.

1841
03:33:39.990 --> 03:33:47.130
x PH07 - 12 - F - Randy Peers: neighborhood you visit is that increased access to customers will help small businesses get back on their feet and begin to thrive once again.

1842
03:33:47.520 --> 03:33:56.730
x PH07 - 12 - F - Randy Peers: In addition to economic and, in addition, economic initiatives that benefit the city and the borough there's an urgent need for local projects such as the proposed rezoning of go honest.

1843
03:33:57.090 --> 03:34:03.030
x PH07 - 12 - F - Randy Peers: which we wholeheartedly support brooklyn

Chamber of Commerce recently released a comprehensive survey tracking code.

1844
03:34:03.030 --> 03:34:11.040
x PH07 - 12 - F - Randy Peers: 19 devastating toll on brooklyn businesses in 2020 upwards of 20 of 80% of businesses lost over half of their revenue.

1845
03:34:11.460 --> 03:34:19.170
x PH07 - 12 - F - Randy Peers: We saw a third of businesses actually closed permanently and we saw the pandemic disproportionately impact minority and women owned businesses across the city.

1846
03:34:19.980 --> 03:34:30.210
x PH07 - 12 - F - Randy Peers: Now more than ever, we need to move forward on major neighborhood strengthening initiatives like the goal honest rezoning projects that will put people back to work, great affordable housing when we.

1847
03:34:30.780 --> 03:34:37.500
x PH07 - 12 - F - Randy Peers: When it's never ever more needed than now and support small businesses in the surrounding community that will directly benefit.

1848
03:34:38.730 --> 03:34:43.200
x PH07 - 12 - F - Randy Peers: Through the patronage of new residents and visitors along a beautiful waterfront Canal.

1849
03:34:44.880 --> 03:34:45.990
x PH07 - 12 - F - Randy Peers: This proposal.

1850
03:34:46.080 --> 03:34:48.270
x PH07 - 12 - F - Randy Peers: Will aid economic growth in three.

1851
03:34:48.510 --> 03:34:56.670
x PH07 - 12 - F - Randy Peers: Ways in particular direct job creation through the through the construction jobs that will be created as a result of the new development.

1852
03:34:57.240 --> 03:35:06.900
x PH07 - 12 - F - Randy Peers: Small Business Development and

entrepreneurship, through the creation of new commercial space and increase commerce and local retail patronage due to the increase residential density and more.

1853
03:35:06.900 --> 03:35:08.970
x PH07 - 12 - F - Randy Peers: Customers that will frequent the areas.

1854
03:35:08.970 --> 03:35:10.020
120 Broadway Hearing Room: restaurants and shops.

1855
03:35:10.860 --> 03:35:16.140
x PH07 - 12 - F - Randy Peers: brooklyn is at a crossroads and we can only to delay our efforts to rebuild our economy, the creation of good paying jobs.

1856
03:35:16.140 --> 03:35:17.910
x PH07 - 12 - F - Randy Peers: Is a good paying jobs are at.

1857
03:35:17.910 --> 03:35:20.130
x PH07 - 12 - F - Randy Peers: stake and the future of our small businesses.

1858
03:35:20.430 --> 03:35:33.180
x PH07 - 12 - F - Randy Peers: In our communities and our neighborhood residents are at stake, as well, therefore, we encourage the Commission to to support this proposal, I want to thank the Commissioners and the city planning Commission for all of their great.

1859
03:35:33.180 --> 03:35:35.850
x PH07 - 12 - F - Randy Peers: Work on this plan and throughout the borough.

1860
03:35:36.000 --> 03:35:36.420
x PH07 - 12 - F - Randy Peers: Thank you.

1861
03:35:38.970 --> 03:35:40.560
120 Broadway Hearing Room: Thank you, Mr peers questions.

1862
03:35:42.510 --> 03:35:46.950
120 Broadway Hearing Room: Thank you, our next speaker will be Ralph this

audio to be followed by Sewell.

1863
03:35:50.430 --> 03:35:52.950
x PH07 - 13 - F - Ralph Osorio: Good afternoon gelato and members of the.

1864
03:35:52.950 --> 03:35:54.870
x PH07 - 13 - F - Ralph Osorio: Commission name is Ralph historial.

1865
03:35:55.200 --> 03:36:04.290
x PH07 - 13 - F - Ralph Osorio: I am here on the behalf of the Union, my Union 32 bj maybe 5000 building service work is 32 bj represents in New York City, to express our support for this rezoning.

1866
03:36:05.280 --> 03:36:07.560
120 Broadway Hearing Room: 32 bj supports responsible developers who.

1867
03:36:07.560 --> 03:36:16.890
x PH07 - 13 - F - Ralph Osorio: invest the communities where they build i'm happy to report that many of developers in this rezoning area have made credible commitments to create affordable housing for the Community.

1868
03:36:17.850 --> 03:36:25.890
x PH07 - 13 - F - Ralph Osorio: The Community rezoning will also create almost 8500 new housing units nearly 3000 and below market rates, this is a commitment that and.

1869
03:36:26.340 --> 03:36:31.770
x PH07 - 13 - F - Ralph Osorio: That is an investment in the Community, that will give work and families opportunity to upward mobility and security.

1870
03:36:32.550 --> 03:36:41.100
x PH07 - 13 - F - Ralph Osorio: As someone who has lived and worked in brooklyn forward to 42 years I understand how important good jobs and affordable housing can be to the Community, we support the rezoning.

1871
03:36:41.250 --> 03:36:43.440
x PH07 - 13 - F - Ralph Osorio: And we are confident that many of the developers.

1872

03:36:43.680 --> 03:36:58.710
x PH07 - 13 - F - Ralph Osorio: will be responsible, employers and will make a positive impact on our Community For these reasons, we expect the urge you to approve this rezoning thank you on behalf of New York City me to be a membership, we supported me and, once again, thank you for listening.

1873
03:37:00.480 --> 03:37:02.400
120 Broadway Hearing Room: Thank you, questions from the school, so do.

1874
03:37:04.080 --> 03:37:10.560
120 Broadway Hearing Room: Thank you, our next speaker will be who will, who will be followed by Brendan training.

1875
03:37:15.780 --> 03:37:17.190
120 Broadway Hearing Room: This is Sue well I am.

1876
03:37:17.220 --> 03:37:37.230
PH07 - 14 - F - Sue Wolfe - 1917****332: President of the board of Friends of promise marine Park, we support the goal honest rezoning with renovation, the city must commit to renovations and improvement to ensure the existing common screen park and the open spaces and support a group of a growing population in guam.

1877
03:37:38.730 --> 03:37:50.490
PH07 - 14 - F - Sue Wolfe - 1917****332: National Grid is required to remediate the Western two thirds of common screen park there is need for additional funds for the city to improve the park beyond how it's currently.

1878
03:37:51.450 --> 03:37:59.490
PH07 - 14 - F - Sue Wolfe - 1917****332: on our website, it shows a building with the year round restrooms locker rooms and second floor for the Community huge.

1879
03:37:59.940 --> 03:38:10.020
PH07 - 14 - F - Sue Wolfe - 1917****332: This is a green roof and be wheelchair accessible, in addition, it has been improved swimming pool skateboard area basketball court and green space.

1880
03:38:10.410 --> 03:38:20.610
PH07 - 14 - F - Sue Wolfe - 1917****332: It compliments and connects to

the head of the canal park across nevins street we asked for this section of nevin St being the map.

1881
03:38:21.270 --> 03:38:34.470
PH07 - 14 - F - Sue Wolfe - 1917****332: is so this is one continuous park from third avenue to the canal national grid is required to locate a temporary pool before the remediation of the pool is the gun.

1882
03:38:35.070 --> 03:38:44.190
PH07 - 14 - F - Sue Wolfe - 1917****332: The DEA is clearly shows the shadows on the pool and the entire Park, it has a significant impact on the entire area.

1883
03:38:44.640 --> 03:39:01.410
PH07 - 14 - F - Sue Wolfe - 1917****332: The city should model bonafide massing on 549 fact of street 273 and 495 fact that street the developer of the atoms book building domain is aware that they're building tight must be lowered to.

1884
03:39:03.390 --> 03:39:10.470
PH07 - 14 - F - Sue Wolfe - 1917****332: Help the southwest part of the park you're very concerned about the height of what will be eventually bills.

1885
03:39:11.190 --> 03:39:24.600
PH07 - 14 - F - Sue Wolfe - 1917****332: constructed on the eastern fx site and what is built on the Western side of the goal on canal for these should have a tooth shadow effect on this parkland.

1886
03:39:25.110 --> 03:39:38.700
PH07 - 14 - F - Sue Wolfe - 1917****332: With parking is only a block alone and the park is the only park in the bonus area and it must be improved and maintain for the health and future of the areas, thank you very much.

1887
03:39:40.620 --> 03:39:41.070
PH07 - 14 - F - Sue Wolfe - 1917****332: Thank you.

1888
03:39:41.400 --> 03:39:42.420
120 Broadway Hearing Room: Questions for me as well.

1889

03:39:44.580 --> 03:39:50.040
120 Broadway Hearing Room: Thank you, our next speaker is Brendan Cheney who will be followed by Brenda sila.

1890
03:39:53.790 --> 03:39:58.680
x PH07 - 15 - F - Brendan Cheney: Good afternoon, my name is Brendan cine on the director of policy in communications at the New York housing conference.

1891
03:39:58.710 --> 03:40:01.530
x PH07 - 15 - F - Brendan Cheney: We are a nonprofit affordable housing policy and advocacy.

1892
03:40:01.530 --> 03:40:10.740
x PH07 - 15 - F - Brendan Cheney: organization i'm testifying in support of the bonus rezoning if, and only if it includes a dedicated capital commitment for repairs and upgrades at the local nature developments.

1893
03:40:11.490 --> 03:40:20.760
x PH07 - 15 - F - Brendan Cheney: As you know, new Yorkers facing and ever growing housing crisis homelessness continues to grow capital repair needs at nycha total $40 billion nearly 1 million new Yorkers are rent burdened.

1894
03:40:21.120 --> 03:40:32.430
x PH07 - 15 - F - Brendan Cheney: And York is rated one of the most segregated cities in the country to see desperately needs more affordable housing and policies that will reverse and repair history of racial discrimination rezoning higher income neighborhoods while rich.

1895
03:40:32.640 --> 03:40:34.410
x PH07 - 15 - F - Brendan Cheney: Requiring affordable housing development.

1896
03:40:34.410 --> 03:40:35.880
x PH07 - 15 - F - Brendan Cheney: can help achieve both goals.

1897
03:40:38.460 --> 03:40:44.190
x PH07 - 15 - F - Brendan Cheney: Community planning process, produced the plan that includes mapping mandatory inclusion or housing throughout much of the rezoning area.

1898
03:40:45.120 --> 03:40:58.050
x PH07 - 15 - F - Brendan Cheney: generating an estimated 3000 units of desperately needed affordable housing, the Community plan also included funding for the to Jason public housing developments kiwanis houses and white cough gardens preserving niches just as important as building new affordable housing.

1899
03:40:59.130 --> 03:41:10.080
x PH07 - 15 - F - Brendan Cheney: Up zoning higher income neighborhoods like this as a policy with wide appeal, it was one of the recommendations of the United for housing coalition, the coalition formed by New York housing conference and joined by 90 partner organizations in New York City.

1900
03:41:10.830 --> 03:41:22.890
x PH07 - 15 - F - Brendan Cheney: Every neighborhood should contribute to the city's affordable housing development but bringing affordable housing to this neighborhood were meeting income is higher than the borough as a whole and where majority of residents are white not Hispanic is particularly important.

1901
03:41:23.160 --> 03:41:25.860
x PH07 - 15 - F - Brendan Cheney: As it would help make it more economically and racially.

1902
03:41:25.860 --> 03:41:26.400
x PH07 - 15 - F - Brendan Cheney: diverse.

1903
03:41:27.150 --> 03:41:29.940
x PH07 - 15 - F - Brendan Cheney: The affordable housing will also create jobs and spur needed economic.

1904
03:41:29.940 --> 03:41:35.130
x PH07 - 15 - F - Brendan Cheney: Recovery researchers found that 100 units of affordable housing construction creates 230 jobs.

1905
03:41:35.130 --> 03:41:43.950
x PH07 - 15 - F - Brendan Cheney: And $46 million in economic activity as the seas economy struggles to recover opportunities, like the GLONASS rezoning can create needed affordable housing.

1906

03:41:44.280 --> 03:41:56.520
x PH07 - 15 - F - Brendan Cheney: unlock new tax revenue refill the construction pipeline and help local businesses New York housing conference supports this rezoning and funding for Jason night just lights and the Community planning process used here should be replicated in other neighborhoods in the city.

1907
03:41:57.300 --> 03:42:00.090
x PH07 - 15 - F - Brendan Cheney: Thank you for this opportunity to testify and i'm happy to answer any.

1908
03:42:00.090 --> 03:42:00.810
questions.

1909
03:42:03.600 --> 03:42:05.520
120 Broadway Hearing Room: Thank you, questions for Mr Cheney.

1910
03:42:07.860 --> 03:42:12.480
120 Broadway Hearing Room: Thank you, our next speaker will be Miranda feel off, who will be followed by Rebecca Smith.

1911
03:42:15.210 --> 03:42:23.220
120 Broadway Hearing Room: hi my name is Miranda seal off and i'm speaking in opposition to the glass neighborhood rezoning i'm a resident who lives in a red stabilized department, a block from the glorious Canal.

1912
03:42:23.640 --> 03:42:29.550
120 Broadway Hearing Room: This neighborhood is my home, and I want to make sure the health and safety of my neighbors and I are protected as the sites are cleaned up and developed.

1913
03:42:29.880 --> 03:42:36.810
120 Broadway Hearing Room: I want go out go on us to be safe for future residents who may live on land and near water that has been subject to environmental abuse for decades.

1914
03:42:37.290 --> 03:42:45.630
120 Broadway Hearing Room: This Community suffers suffers from combined sewage outflows and go on us needs to the protections for environmental justice that are afforded by the law.

1915
03:42:46.080 --> 03:42:55.620
120 Broadway Hearing Room: Round sewage coming into the canal from to 20,000 more residents will increase pathogens in the canal and and yet to be instituted stormwater rule doesn't solve that problem.

1916
03:42:56.490 --> 03:43:02.130
120 Broadway Hearing Room: The city plans to keep dumping raw sewage into the canal indefinitely in violation of the Clean water act.

1917
03:43:02.700 --> 03:43:15.030
120 Broadway Hearing Room: The GLONASS rezoning would place thousands of people on toxic landed public place a former manufacturing grassland site with coal tar over 150 feet below the surface, that will not be fully removed public place.

1918
03:43:15.360 --> 03:43:22.950
120 Broadway Hearing Room: is now a State superfund site adjacent to a federal superfund site and the most substantial affordable housing is planned for this site.

1919
03:43:24.480 --> 03:43:38.400
120 Broadway Hearing Room: sea level rise and previous flooding already threatened go honest, but the rezoning would place thousands more people in a fema flood zone, a and permit permit land elevation changes that would put residents of the guavas houses increased blood risk.

1920
03:43:39.840 --> 03:43:46.110
120 Broadway Hearing Room: During sandy flooding affected the glass has this disproportionately where residents were left without power or water.

1921
03:43:46.620 --> 03:43:58.950
120 Broadway Hearing Room: In 2013 This prompted our elected officials to ask for a comprehensive plan for infrastructure flood protection and land use regulations and to question the impact of individual sites with res grades.

1922
03:43:59.340 --> 03:44:07.260
120 Broadway Hearing Room: Re grading could well affect the pattern of water displacement during a flooding event to the potential detriment of nearby properties.

1923

03:44:07.710 --> 03:44:12.360
120 Broadway Hearing Room: The D is does not include a comprehensive plan that addresses these complexities.

1924
03:44:13.050 --> 03:44:29.610
120 Broadway Hearing Room: So, in light of the address complexities, I urge the city to redo the is, we need the federal agencies to be involved agencies and planning the rezoning to ensure the polluted sites are safely cleaned up and that the EPA superfund cleanup of the GLONASS canal is not compromised.

1925
03:44:31.050 --> 03:44:34.290
120 Broadway Hearing Room: The EPA analysis of the GLONASS watershed is just one example.

1926
03:44:35.190 --> 03:44:45.000
120 Broadway Hearing Room: The EP a commented in a letter to elected officials on July 13 there are several inconsistencies in the D is between the modeling perform for the long term control plan for the bless.

1927
03:44:45.510 --> 03:44:54.810
120 Broadway Hearing Room: The modeling done for EPA associated with a remedial design of the CSR retention retention tanks and for the D is the inconsistency, need to be resolved.

1928
03:44:55.530 --> 03:45:11.430
120 Broadway Hearing Room: And you heard our Congressman Velasquez and joy and Simon testify along these lines to we really need the federal agencies to be involved, so we asked the city redo the he is thank you, thank you, thank you for coming questions for me.

1929
03:45:13.650 --> 03:45:14.070
120 Broadway Hearing Room: Thank you.

1930
03:45:15.120 --> 03:45:19.980
120 Broadway Hearing Room: Our next speaker will be Rebecca Smith, who will be followed by Martin peasy.

1931
03:45:34.710 --> 03:45:36.450
120 Broadway Hearing Room: Miss Smith, is not in the room.

1932
03:45:37.770 --> 03:45:46.170
120 Broadway Hearing Room: i'm sorry she's not in the room Okay, then our next speaker will be Mr beauty, thank you for getting ready, followed by private mogul.

1933
03:45:47.190 --> 03:45:56.550
120 Broadway Hearing Room: hi i'm Martin BC a white Hispanic Incidentally, I am the owner of BC studio in the old American can factory we do music recording.

1934
03:45:57.360 --> 03:46:09.930
120 Broadway Hearing Room: I am among the original artists to establish the can factories and arts hub from 1988 years before current owners BC studio is not in the D is as potentially displaced.

1935
03:46:10.620 --> 03:46:19.080
120 Broadway Hearing Room: Even though it's in the landmark portions of the complex and it is until unless unmarked precisely so development can occur there.

1936
03:46:19.860 --> 03:46:30.570
120 Broadway Hearing Room: BC studio can't be relocated, it can only be rebuilt, it only works now because it is surrounded on three sides by the inner courtyard it won't work next to residential.

1937
03:46:31.260 --> 03:46:42.240
120 Broadway Hearing Room: I estimated relocating to cost about $100,000 not being in the D is is indicative of the cursory look at the arts in this, he is.

1938
03:46:42.810 --> 03:46:59.400
120 Broadway Hearing Room: i've already commented on the flaws in there, regarding music rehearsal buildings BC studio serves dozens of musicians, at a time we've been unlocking go on us for decades, and I know this is important, and the reason we brought hip hop artists from the bronx.

1939
03:47:00.480 --> 03:47:16.650
120 Broadway Hearing Room: Including Africa Bam bata who coined the term hip hop I worked with musicians in go on us in the can factory that came in the mariel boatlift from Cuba, we worked also with African bands in the 90s, and into this century.

1940
03:47:17.700 --> 03:47:21.300
120 Broadway Hearing Room: I also see environmental justice concerns in the is.

1941
03:47:22.350 --> 03:47:31.500
120 Broadway Hearing Room: The neediest thousands of people would be put on public place which can never have all the toxic volatiles co stars.

1942
03:47:32.970 --> 03:47:44.040
120 Broadway Hearing Room: That are present removed and elevation changes we grading put nycha guavas houses at greater flood risk are elected asked in 2013.

1943
03:47:45.300 --> 03:47:53.190
120 Broadway Hearing Room: After nycha flooding from sandy for a comprehensive plan on infrastructure, etc, this is not in the D is this May.

1944
03:47:54.000 --> 03:48:07.860
120 Broadway Hearing Room: This may lander 11 nydia velazquez asked for EPA to be a Co involved agency, citing Community confidence i'd like to underline that and overlapping jurisdiction and compliance requirements.

1945
03:48:08.550 --> 03:48:23.700
120 Broadway Hearing Room: EPA answered on July 3, but there are several inconsistencies in the modeling for CSO retention tanks, but did not commit to being an involved party we need this to happen, the DEA is right now looks like it's being rushed.

1946
03:48:24.870 --> 03:48:37.110
120 Broadway Hearing Room: And also, it looks like federal funds are going to be required for the public place development, and it was stated by the city in 2008 I don't know the exact thing, but it was stated.

1947
03:48:38.250 --> 03:48:51.420
120 Broadway Hearing Room: That that required than federal involvement in reviewing and partnering in the in the rezoning of that site, thank you very much thank you question for Mr bz, thank you for testifying.

1948
03:48:52.800 --> 03:48:57.990
120 Broadway Hearing Room: Our next speaker will be bribed vogel who will

be followed by track record Bono.

1949
03:48:59.700 --> 03:49:00.870
x PH07 - 29 - O - Brad Vogel: Good afternoon, can you hear me.

1950
03:49:02.340 --> 03:49:03.900
x PH07 - 29 - O - Brad Vogel: Yes, welcome Thank you.

1951
03:49:04.410 --> 03:49:14.610
x PH07 - 29 - O - Brad Vogel: My name is brad mobile and i'm here as an individual and resident have to honestly speaking in strong opposition to go on us neighborhood rezoning I support voice of guana says.

1952
03:49:15.870 --> 03:49:22.530
x PH07 - 29 - O - Brad Vogel: Efforts to amplify or Community concerns about the disastrous rezoning that would negatively impact our neighborhood.

1953
03:49:23.340 --> 03:49:39.240
x PH07 - 29 - O - Brad Vogel: The the process should not be underway, right now, the environmental impact study must first be redone with the Federal agency involvement required by law mere comments from EPA and fema or not enough they want us neighborhood has been subjected to flooding.

1954
03:49:39.240 --> 03:49:41.130
120 Broadway Hearing Room: And contamination by industrial waste and.

1955
03:49:41.130 --> 03:49:43.950
x PH07 - 29 - O - Brad Vogel: raw sewage they've been pouring into the GLONASS to now.

1956
03:49:44.370 --> 03:49:45.480
120 Broadway Hearing Room: And seeping deep into.

1957
03:49:45.480 --> 03:49:45.900
120 Broadway Hearing Room: ground.

1958
03:49:45.930 --> 03:49:47.730
x PH07 - 29 - O - Brad Vogel: For decades, is a federal.

1959
03:49:47.790 --> 03:49:49.530
120 Broadway Hearing Room: superfund site, as you have heard today.

1960
03:49:50.160 --> 03:49:51.180
x PH07 - 29 - O - Brad Vogel: As a result.

1961
03:49:51.270 --> 03:49:53.190
x PH07 - 29 - O - Brad Vogel: EPA and female required by law to be.

1962
03:49:53.190 --> 03:49:54.420
x PH07 - 29 - O - Brad Vogel: involved in preparing.

1963
03:49:54.960 --> 03:49:56.310
x PH07 - 29 - O - Brad Vogel: Not just commenting on.

1964
03:49:56.670 --> 03:49:58.170
120 Broadway Hearing Room: But in actually preparing.

1965
03:49:58.290 --> 03:49:59.310
120 Broadway Hearing Room: The D is.

1966
03:49:59.340 --> 03:50:01.740
x PH07 - 29 - O - Brad Vogel: up for discussion today, we need.

1967
03:50:01.770 --> 03:50:03.840
120 Broadway Hearing Room: The expertise of those involved.

1968
03:50:04.170 --> 03:50:05.250
federal agencies.

1969
03:50:06.630 --> 03:50:07.950
120 Broadway Hearing Room: rezoning would exacerbate the.

1970
03:50:07.950 --> 03:50:13.710
x PH07 - 29 - O - Brad Vogel: Combined sewer overflow problem and jeopardize that was canal superfund cleanup good place unwitting people.

1971
03:50:13.800 --> 03:50:14.580
120 Broadway Hearing Room: On dangerous.

1972
03:50:14.610 --> 03:50:15.450
120 Broadway Hearing Room: Toxic land.

1973
03:50:15.840 --> 03:50:32.250
x PH07 - 29 - O - Brad Vogel: At manufactured gas plants sites, it would have placed thousands of additional people in the floodplain in fema flood zone, as it is not about affordable housing, it is mostly about creating luxury housing, with a thin crust of what is called affordable housing.

1974
03:50:32.670 --> 03:50:35.310
120 Broadway Hearing Room: And the affordable housing component placed on.

1975
03:50:35.340 --> 03:50:44.700
x PH07 - 29 - O - Brad Vogel: Some of the most dangerous toxic land, the current D is fails to account fully for the issues and fails to adhere to legal requirements for federal involvement.

1976
03:50:45.480 --> 03:50:58.860
x PH07 - 29 - O - Brad Vogel: Your process cannot go forward until that changes, I asked the city plan as city planning commission to overlook city planes own conflict of interest in this matter and vote no on the proposed to want us rezoning Thank you.

1977
03:51:00.840 --> 03:51:02.970
120 Broadway Hearing Room: Thank you, questions for Mr vocal.

1978
03:51:04.770 --> 03:51:05.160
120 Broadway Hearing Room: Thank you.

1979
03:51:06.750 --> 03:51:11.010
120 Broadway Hearing Room: Our next speaker is jack rekha Bono, to be followed by Andrew foley.

1980
03:51:23.160 --> 03:51:24.030
120 Broadway Hearing Room: hello, can you hear me.

1981
03:51:25.110 --> 03:51:25.800
120 Broadway Hearing Room: Yes, welcome.

1982
03:51:27.750 --> 03:51:32.610
xPH07 - 30 - O - Jack Riccobono - 1917****242: Good afternoon chair lago and Commissioners, thank you for the opportunity to address you today.

1983
03:51:32.970 --> 03:51:42.900
xPH07 - 30 - O - Jack Riccobono - 1917****242: i'm a member of voice of GLONASS a coalition of community groups concerned citizens and small business owners will come together to fight for adjust and sustainable future for GLONASS.

1984
03:51:43.200 --> 03:51:51.600
xPH07 - 30 - O - Jack Riccobono - 1917****242: founders of our coalition include environmental activists who are instrumental in the successful campaign to list the GLONASS canal as a superfund site.

1985
03:51:51.930 --> 03:52:00.600
xPH07 - 30 - O - Jack Riccobono - 1917****242: We are deeply committed to safeguarding the health and safety of current and future residents and to working to counteract the decades of environmental injustice.

1986
03:52:00.870 --> 03:52:11.700
xPH07 - 30 - O - Jack Riccobono - 1917****242: That has so deeply harmed or neighborhood this long standing and ongoing abuse of the gowanus canal and its environment, one of the most polluted navigable waterways, of the United States of America.

1987
03:52:11.970 --> 03:52:19.140
xPH07 - 30 - O - Jack Riccobono - 1917****242: has led to serious and compounding health and safety impacts for our Community, including the 10,000 residents in public housing.

1988
03:52:19.560 --> 03:52:30.150
xPH07 - 30 - O - Jack Riccobono - 1917****242: The ad to block rezoning area live substantially in a fema flood zone, a that experienced severe flooding during hurricane sandy, including at the go honest houses nycha campus.

1989

03:52:30.480 --> 03:52:39.060
xPH07 - 30 - O - Jack Riccobono - 1917****242: The reason area also includes 133 documented toxic sites, including multiple manufactured gas plant sites.

1990
03:52:39.360 --> 03:52:46.950
xPH07 - 30 - O - Jack Riccobono - 1917****242: The city's own sea level rise projections show that future storm events will increase blood risk and the risk of toxic exposure.

1991
03:52:47.340 --> 03:52:59.280
xPH07 - 30 - O - Jack Riccobono - 1917****242: Even these and other facts and what the law prescribes the Community has been advocating for months to have relevant federal agencies, including EPA fema hud and army corps of engineers.

1992
03:52:59.520 --> 03:53:12.450
xPH07 - 30 - O - Jack Riccobono - 1917****242: identify themselves as involved agencies under the state environmental quality review act and cooperating agencies under the national environmental policy act so that their scientific expertise could be brought to bear.

1993
03:53:13.080 --> 03:53:22.440
xPH07 - 30 - O - Jack Riccobono - 1917****242: On the draft environmental impact statement for go honest our congresswoman nydia velazquez has joined the Community and pushing through the full involvement of federal agencies.

1994
03:53:22.680 --> 03:53:36.330
xPH07 - 30 - O - Jack Riccobono - 1917****242: And earlier this month EPA revealed to Congress one go ask is that they have indeed identified flaws errors and inconsistency is in the water modeling used by the city in the goal honesty is before you today.

1995
03:53:36.660 --> 03:53:41.070
xPH07 - 30 - O - Jack Riccobono - 1917****242: The water modeling is fundamental to understanding how you development projects will.

1996
03:53:41.100 --> 03:53:43.800
xPH07 - 30 - O - Jack Riccobono - 1917****242: impact the federally mandated cleanup of the gw.

1997

03:53:43.800 --> 03:53:54.870
xPH07 - 30 - O - Jack Riccobono - 1917****242: Honest canal compliance with the clean water act compliance with the rivers and harbors Act and the increasing risk of flooding and toxic exposure for the community at large, due to climate change.

1998
03:53:55.080 --> 03:54:02.490
xPH07 - 30 - O - Jack Riccobono - 1917****242: Especially those in low lying legacy buildings, such as the guana houses nycha campus which flooded during hurricane sandy.

1999
03:54:02.760 --> 03:54:09.570
xPH07 - 30 - O - Jack Riccobono - 1917****242: The current D is simply does not meet the minimum due process requirements for environmental impact review.

2000
03:54:09.810 --> 03:54:27.390
xPH07 - 30 - O - Jack Riccobono - 1917****242: We ask that you set aside your particular policy positions on development, housing, job creation and a host of other important issues that proponents of the rezoning will site and consider that, even if you are in favor of this action, the rezoning will be at significant legal risk unless.

2001
03:54:27.600 --> 03:54:32.940
120 Broadway Hearing Room: He is advised the require Thank you and federal Thank you rick Bono.

2002
03:54:34.080 --> 03:54:41.880
120 Broadway Hearing Room: i'm afraid that the time is up, and we have quite a large number of folks waiting to testify waiting patiently to testify questions from historical Bono.

2003
03:54:43.560 --> 03:54:49.650
120 Broadway Hearing Room: Again, thank you for your testimony our next speaker will be Andrew foley to be followed by Jay Marcus.

2004
03:54:52.200 --> 03:54:58.620
x PH07 - 21 - F - Andrew Foley: hello, my name is Andrew foley and i'm associate director development Jonathan rose companies, one of the development partners have guana screen.

2005
03:54:59.070 --> 03:55:03.180

x PH07 - 21 - F - Andrew Foley: Along with our partners Hudson companies, the blue stone organization fifth avenue committee.

2006
03:55:04.140 --> 03:55:17.820
x PH07 - 21 - F - Andrew Foley: joining me to speak today in favor of this historic rezoning is Jay Marcus with fifth avenue committee to developer in our Community partner and Nathan employer a widely respected hydrogeologist with brew or environmental remediation assaulting.

2007
03:55:18.960 --> 03:55:30.990
x PH07 - 21 - F - Andrew Foley: Since our team was designated as a developer back in 2008 to develop this publicly on site, we have been working with the city and the Community to build upon the initial vision for this project.

2008
03:55:32.130 --> 03:55:40.200
x PH07 - 21 - F - Andrew Foley: As a result of this work, go honest will be want to screen will be a Community that is more affordable offers more Community amenities and open space.

2009
03:55:40.290 --> 03:55:43.350
x PH07 - 21 - F - Andrew Foley: is even more resilient and sustainable than we initially proposed.

2010
03:55:44.820 --> 03:55:59.400
x PH07 - 21 - F - Andrew Foley: To go on is green plan today is more affordable we initially proposed to build 775 units of which 75% would be affordable, today we are committed to building 950 units of 100% affordable housing.

2011
03:56:01.770 --> 03:56:18.090
x PH07 - 21 - F - Andrew Foley: Over 50% of those units will be dedicated households earning less than 50% of the area median income is a significant shift towards deeper levels of affordability a big step towards the city's goal of a fruits affirmatively furthering fair housing in neighborhoods like blogs.

2012
03:56:19.110 --> 03:56:29.460
x PH07 - 21 - F - Andrew Foley: The project lawful are also offer senior housing supportive housing and opportunities for affordable homeownership serving new Yorkers with a wide range of housing needs.

2013

03:56:31.050 --> 03:56:42.990
x PH07 - 21 - F - Andrew Foley: To go on a screen plan today offers significant one more publicly accessible open space in our private, including a network of rain gardens that will connect residents to a one and a half acre map public parks.

2014
03:56:44.130 --> 03:56:44.970
120 Broadway Hearing Room: And our site plan.

2015
03:56:45.030 --> 03:56:55.560
x PH07 - 21 - F - Andrew Foley: also provides a site for future public school neighborhoods serving retail on Smith street in a range of Community men amenities along and matt shared street.

2016
03:56:57.180 --> 03:56:57.840
120 Broadway Hearing Room: Lastly.

2017
03:56:57.900 --> 03:57:07.620
x PH07 - 21 - F - Andrew Foley: want to screen will be either, more sustainable and resilient than initially proposed or project will implement a range of innovative storm water and wastewater strategies to combat csl events.

2018
03:57:07.830 --> 03:57:08.160
120 Broadway Hearing Room: Now.

2019
03:57:09.150 --> 03:57:11.610
x PH07 - 21 - F - Andrew Foley: or buildings will be elevated six feet above.

2020
03:57:11.640 --> 03:57:24.240
x PH07 - 21 - F - Andrew Foley: currently required flood elevations to meet future projections and will deploy a range of green building strategies, including passive house level, energy efficiency, green roof and on site and mobile energy.

2021
03:57:25.530 --> 03:57:39.840
x PH07 - 21 - F - Andrew Foley: And as Nathan apple or for ruble further explain shortly this site will also be one of many former mvp sites have been successfully remediating that our team is committed to continuing to work with DC EPA the city.

2022
03:57:39.900 --> 03:57:41.340
x PH07 - 21 - F - Andrew Foley: and national grid to ensure.

2023
03:57:41.580 --> 03:57:46.800
x PH07 - 21 - F - Andrew Foley: The site is safe for all brands future residents farm development.

2024
03:57:48.300 --> 03:57:48.720
120 Broadway Hearing Room: Thank you for.

2025
03:57:49.110 --> 03:57:51.480
x PH07 - 21 - F - Andrew Foley: letting me testify and support this result.

2026
03:57:53.760 --> 03:57:54.510
Thank you very much.

2027
03:57:57.750 --> 03:57:58.140
120 Broadway Hearing Room: Thank you.

2028
03:57:59.490 --> 03:58:00.300
120 Broadway Hearing Room: Jay Marcus.

2029
03:58:06.750 --> 03:58:07.320
120 Broadway Hearing Room: Marcus.

2030
03:58:12.060 --> 03:58:13.140
x PH07 - 22 - F - Jay Marcus: hi good afternoon.

2031
03:58:14.910 --> 03:58:16.710
x PH07 - 22 - F - Jay Marcus: i'm to know and.

2032
03:58:18.000 --> 03:58:21.330
x PH07 - 22 - F - Jay Marcus: As Laura mentioned earlier.

2033
03:58:22.440 --> 03:58:25.650
x PH07 - 22 - F - Jay Marcus: Back is a Philadelphia committees 43 year old nonprofit.

2034
03:58:26.010 --> 03:58:33.690
x PH07 - 22 - F - Jay Marcus: Development corporation, whose mission is to advance economic, social, including environmental justice and racial justice.

2035
03:58:34.170 --> 03:58:49.470
x PH07 - 22 - F - Jay Marcus: We support the rezoning, particularly because the widescreen project, in particular the widescreen project because it advances those goals in any area where as assemblywoman Simon pointed out earlier, the demographic trends have been in the opposite direction.

2036
03:58:50.670 --> 03:59:05.640
x PH07 - 22 - F - Jay Marcus: Fifth avenue committee believes as a nonprofit also that organizing the Community and having active Community involvement is important we carry that over in our role as a Community Development Agency as well in our development work.

2037
03:59:07.290 --> 03:59:12.090
x PH07 - 22 - F - Jay Marcus: And we have been participating in over a dozen meetings around the ground screen.

2038
03:59:12.090 --> 03:59:15.210
x PH07 - 22 - F - Jay Marcus: project in the last actually 15 years.

2039
03:59:15.810 --> 03:59:21.930
x PH07 - 22 - F - Jay Marcus: As Andrew alluded to, when we were first designated the site in 2008 and before then 2006.

2040
03:59:22.230 --> 03:59:24.390
x PH07 - 22 - F - Jay Marcus: When the planning for the rfp.

2041
03:59:24.660 --> 03:59:30.210
x PH07 - 22 - F - Jay Marcus: For the quad screen sort of under then City Council member de blasio began.

2042
03:59:31.530 --> 03:59:43.110
x PH07 - 22 - F - Jay Marcus: We support them GMT Jason calacanis neighborhood coalition for justice is demand, and I should mention the voice of bonuses demand that there be substantial Community involvement.

2043
03:59:43.680 --> 03:59:52.260
x PH07 - 22 - F - Jay Marcus: Both in the planning of this as well as in the actual implementation of both the development and the environmental remediation.

2044
03:59:52.620 --> 04:00:03.060
x PH07 - 22 - F - Jay Marcus: We think it's a goal that both proponents and opponents can come around together and we look to actively participate in that when the project ends up being resolved.

2045
04:00:04.050 --> 04:00:15.570
x PH07 - 22 - F - Jay Marcus: And we first began our Community engagement, as I mentioned in 2006 or seven and when we first held meeting at that point to make sure the Community had active oversight and selection.

2046
04:00:16.290 --> 04:00:25.320
x PH07 - 22 - F - Jay Marcus: In the rfp process of we've obviously maintain that involvement in bit, with dozens of organizations in the Community, ranging from the Community board.

2047
04:00:25.710 --> 04:00:36.870
x PH07 - 22 - F - Jay Marcus: To tenant organizations and, of course, particularly with the public housing residents to make sure they had active involvement and I want to reiterate what councilman verlander had indicated earlier.

2048
04:00:37.320 --> 04:00:57.960
x PH07 - 22 - F - Jay Marcus: about the outstanding work of the tcp staff team in terms of listening to engaging and promoting active Community discussion and Community involvement through out the rezoning process, and also in the bridging oneness that Congress that Council member lander had before that.

2049
04:00:59.100 --> 04:01:04.140
x PH07 - 22 - F - Jay Marcus: Again, we support the typically the go on screen project because it does create.

2050
04:01:05.880 --> 04:01:07.950
x PH07 - 22 - F - Jay Marcus: Over 50% of the units affordable.

2051
04:01:08.160 --> 04:01:11.430
x PH07 - 22 - F - Jay Marcus: To the very low and extremely low income families.

2052
04:01:11.490 --> 04:01:20.400
x PH07 - 22 - F - Jay Marcus: that are too often left out when the rezoning happened to be able to target that low income because it does include 28,000 square feet.

2053
04:01:20.940 --> 04:01:22.410
x PH07 - 22 - F - Jay Marcus: Of and I will mention Thank you.

2054
04:01:23.610 --> 04:01:28.080
x PH07 - 22 - F - Jay Marcus: Thank you, Mr Marcus your time has expired, you may submit.

2055
04:01:29.250 --> 04:01:33.330
120 Broadway Hearing Room: Your comments and writing if you wish, questions for Mr Marcus.

2056
04:01:36.600 --> 04:01:37.290
120 Broadway Hearing Room: Thank you, Sir.

2057
04:01:38.340 --> 04:01:38.850
120 Broadway Hearing Room: Nathan.

2058
04:01:41.670 --> 04:01:43.140
120 Broadway Hearing Room: Nathan atlas.

2059
04:01:43.200 --> 04:01:46.860
x PH07 - 23 - F - Nathan Epler: I am here can you hear me and see me yes proceed.

2060
04:01:47.220 --> 04:01:48.150
120 Broadway Hearing Room: OK, I can hear you.

2061
04:01:48.540 --> 04:01:51.450
x PH07 - 23 - F - Nathan Epler: I like to thank the distinguished panel and guests for.

2062
04:01:51.810 --> 04:01:53.010
x PH07 - 23 - F - Nathan Epler: allowing me to speak today.

2063
04:01:54.240 --> 04:02:01.950
x PH07 - 23 - F - Nathan Epler: My name is Nathan employer, I am a principal scientist at rw environmental engineering and geology that's true or ui ux.

2064
04:02:03.360 --> 04:02:10.170
x PH07 - 23 - F - Nathan Epler: We are an environmental consulting firm and i'm an environmental consultant, with a 30 year career at.

2065
04:02:11.160 --> 04:02:25.680
x PH07 - 23 - F - Nathan Epler: investigating and remediation and remediating hazardous waste sites to make them productive for reuse and safe for occupancy including residential housing, so I have direct experience at sites, like the.

2066
04:02:26.940 --> 04:02:33.420
x PH07 - 23 - F - Nathan Epler: Former systems gasworks manufactured gas plant or mvp site i've actually worked on sites like that.

2067
04:02:34.680 --> 04:02:38.940
x PH07 - 23 - F - Nathan Epler: investigating them remediate them clean them up and made them.

2068
04:02:39.060 --> 04:02:40.290
x PH07 - 23 - F - Nathan Epler: available for.

2069
04:02:41.070 --> 04:02:43.680
x PH07 - 23 - F - Nathan Epler: residential housing and, yes, I would live.

2070
04:02:43.710 --> 04:02:45.390
x PH07 - 23 - F - Nathan Epler: In any one of those houses I.

2071
04:02:45.540 --> 04:02:51.210
x PH07 - 23 - F - Nathan Epler: Even with little kids so i'm sorry i've been asked to opine on the appropriateness.

2072
04:02:51.930 --> 04:02:52.200
x PH07 - 23 - F - Nathan Epler: Of.

2073
04:02:52.260 --> 04:02:53.610
120 Broadway Hearing Room: redeveloping a site like this.

2074
04:02:53.670 --> 04:02:55.320
x PH07 - 23 - F - Nathan Epler: And what goes into it.

2075
04:02:57.630 --> 04:03:06.720
x PH07 - 23 - F - Nathan Epler: So you know New York State has a very comprehensive ftp site investigation or radiation program and we are required as environmental consultants to.

2076
04:03:07.710 --> 04:03:08.490
x PH07 - 23 - F - Nathan Epler: abide by.

2077
04:03:08.550 --> 04:03:12.840
x PH07 - 23 - F - Nathan Epler: The regulations and it's very strict and a rigorous process.

2078
04:03:13.890 --> 04:03:23.250
x PH07 - 23 - F - Nathan Epler: that's highly regulated and, at the end, we have to prove that we have a site that is safe for human health and the environment.

2079
04:03:24.570 --> 04:03:26.670
x PH07 - 23 - F - Nathan Epler: So how do we do that.

2080
04:03:30.150 --> 04:03:38.070
x PH07 - 23 - F - Nathan Epler: So, first and foremost, as required by laws and regulations, the remedy for an ftp site like this must be protective of human health and the environment.

2081
04:03:38.640 --> 04:03:47.760
x PH07 - 23 - F - Nathan Epler: Therefore, the first step is to investigate the complete nature and extent of contamination in soil ground water vapor anything like that, and then.

2082
04:03:48.810 --> 04:03:54.210
x PH07 - 23 - F - Nathan Epler: go through a process of remedy selection that addresses that contamination.

2083
04:03:55.590 --> 04:04:05.190
x PH07 - 23 - F - Nathan Epler: The remedy has to go through a regulatory approval process and close the opportunity for public involvement and input through our senate through a system participation plan, everything is transparent.

2084
04:04:06.270 --> 04:04:11.850
x PH07 - 23 - F - Nathan Epler: And that's exactly the process that there's going through here and so we're very familiar with it.

2085
04:04:13.590 --> 04:04:14.670
x PH07 - 23 - F - Nathan Epler: So typically.

2086
04:04:17.820 --> 04:04:27.090
x PH07 - 23 - F - Nathan Epler: Any structures that are associated with with the ftp site or are either removed and typically heavily impacted soils are removed or encapsulated.

2087
04:04:28.080 --> 04:04:38.550
x PH07 - 23 - F - Nathan Epler: contaminate groundwater may may be pumped out or treated in place and and any content remaining contamination that is cannot be removed for technical reasons.

2088
04:04:39.780 --> 04:04:46.680
x PH07 - 23 - F - Nathan Epler: it's too deep or just cannot be accessed is encapsulated permanently through a series of cat.

2089
04:04:55.470 --> 04:05:03.180
120 Broadway Hearing Room: he's muted, could we give him a Mr Mr Butler can you unmute your microphone.

2090
04:05:04.440 --> 04:05:05.250
120 Broadway Hearing Room: that's very odd.

2091
04:05:13.050 --> 04:05:15.780
x PH07 - 23 - F - Nathan Epler: Okay, after somebody submitted to me I

don't know why.

2092
04:05:17.130 --> 04:05:21.000
120 Broadway Hearing Room: i'm gonna give you i'll give you 15 seconds to.

2093
04:05:22.140 --> 04:05:23.130
120 Broadway Hearing Room: Thank you so much, OK.

2094
04:05:23.400 --> 04:05:24.000
So anyway.

2095
04:05:25.980 --> 04:05:30.570
x PH07 - 23 - F - Nathan Epler: So structures are removed heavily impacted soil is removed groundwork is treated anything that.

2096
04:05:30.780 --> 04:05:41.040
x PH07 - 23 - F - Nathan Epler: is left in place is encapsulated permanently, and you know, there was no migration and no risk to any further occupants at the site.

2097
04:05:42.750 --> 04:05:43.860
x PH07 - 23 - F - Nathan Epler: So, and then.

2098
04:05:43.860 --> 04:05:46.230
x PH07 - 23 - F - Nathan Epler: What happens is a series of.

2099
04:05:46.770 --> 04:05:47.880
x PH07 - 23 - F - Nathan Epler: Controls are placed.

2100
04:05:48.690 --> 04:05:49.110
Second.

2101
04:05:50.820 --> 04:05:53.370
120 Broadway Hearing Room: i'm sorry but three minutes.

2102
04:05:55.110 --> 04:05:56.310
Three minutes and 15 seconds.

2103
04:05:57.810 --> 04:05:58.470
120 Broadway Hearing Room: yeah three.

2104
04:06:00.720 --> 04:06:01.740
120 Broadway Hearing Room: places the site, including.

2105
04:06:01.740 --> 04:06:06.210
x PH07 - 23 - F - Nathan Epler: engineering and institutional controls
that means you can.

2106
04:06:08.040 --> 04:06:18.960
120 Broadway Hearing Room: You can submit your full a written statement
to the department will be glad to read it, Sir, thank you any questions
from us the regular.

2107
04:06:21.090 --> 04:06:21.930
120 Broadway Hearing Room: Commissioner.

2108
04:06:24.000 --> 04:06:24.450
120 Broadway Hearing Room: Robin.

2109
04:06:26.400 --> 04:06:34.260
120 Broadway Hearing Room: yeah, this is obviously a very important issue
to dig into we've heard robust testimony from a variety of voices.

2110
04:06:36.060 --> 04:06:55.380
120 Broadway Hearing Room: challenging the proposition that these sites
can be cleaned up and also the timing of pursuing this rezoning before
the cleanup occurs and also reporting on interchanges or concerns that
the EPA my that concerned about the involvement of the APA to have here.

2111
04:06:56.430 --> 04:06:58.020
120 Broadway Hearing Room: And about issues.

2112
04:06:59.340 --> 04:07:10.890
120 Broadway Hearing Room: Of concern that have been expressed by the EPA
I got I guess I i'm yearning for a response to that package of issues I
recognize that.

2113

04:07:12.390 --> 04:07:23.490
120 Broadway Hearing Room: Mr apple you're engaged in a particular project that I assume your clients, want to have happen here and that our inquiry will go a bit further in the follow up discussion.

2114
04:07:24.060 --> 04:07:34.230
120 Broadway Hearing Room: But I wonder if you want to give us any guidance about how we should understand what we were hearing about the EPA is involved in on this site in particular.

2115
04:07:35.640 --> 04:07:38.910
x PH07 - 23 - F - Nathan Epler: What is it that you're hearing the particular about the US.

2116
04:07:39.000 --> 04:07:50.550
120 Broadway Hearing Room: we're hearing that the EPA has raised concerns addressed I just sent a letter to account Congressman Alaska is that there are gaps and he is and he is needed at the DEA is needs to be redone.

2117
04:07:51.060 --> 04:07:55.590
x PH07 - 23 - F - Nathan Epler: Okay well i'm not involved in the process i'm involved in the.

2118
04:07:55.620 --> 04:07:57.480
120 Broadway Hearing Room: Investigation remediation process I.

2119
04:07:57.480 --> 04:07:58.770
120 Broadway Hearing Room: understand that, but right.

2120
04:07:59.010 --> 04:07:59.340
x PH07 - 23 - F - Nathan Epler: So.

2121
04:07:59.430 --> 04:08:02.220
x PH07 - 23 - F - Nathan Epler: i've been one thing I can assure you is that.

2122
04:08:02.730 --> 04:08:04.110
x PH07 - 23 - F - Nathan Epler: When the process is done.

2123

04:08:04.590 --> 04:08:06.600
x PH07 - 23 - F - Nathan Epler: And the site is remediated it'll be safe.

2124
04:08:06.630 --> 04:08:07.800
120 Broadway Hearing Room: For occupancy.

2125
04:08:08.370 --> 04:08:10.080
x PH07 - 23 - F - Nathan Epler: That best job of our industry.

2126
04:08:11.010 --> 04:08:12.540
120 Broadway Hearing Room: And we held to a very high standard.

2127
04:08:12.690 --> 04:08:13.470
x PH07 - 23 - F - Nathan Epler: In order to do that.

2128
04:08:14.520 --> 04:08:24.810
120 Broadway Hearing Room: Okay, can you point to any examples that we might be familiar with in New York City of a comparable scale or a gas plant has been cleaned up and residents has been put on top of it, yes.

2129
04:08:25.890 --> 04:08:26.910
x PH07 - 23 - F - Nathan Epler: There was a.

2130
04:08:27.030 --> 04:08:28.440
x PH07 - 23 - F - Nathan Epler: National Grid completed project in.

2131
04:08:28.500 --> 04:08:37.260
x PH07 - 23 - F - Nathan Epler: lewisburg 111th avenue in the West Chelsea area is the residential development built on top of gas holders, that I was the project manager for.

2132
04:08:37.590 --> 04:08:38.820
x PH07 - 23 - F - Nathan Epler: Right across the street, there was the.

2133
04:08:38.820 --> 04:08:41.100
x PH07 - 23 - F - Nathan Epler: ice building, which is a commercial building.

2134
04:08:42.090 --> 04:08:45.450

x PH07 - 23 - F - Nathan Epler: designed by frank gehry in the architect, in which.

2135
04:08:45.600 --> 04:08:48.210
x PH07 - 23 - F - Nathan Epler: My company was involved there's.

2136
04:08:48.270 --> 04:08:53.070
x PH07 - 23 - F - Nathan Epler: gangland park former ftp site and coney island rockaway park former ftp site.

2137
04:08:54.330 --> 04:08:55.620
x PH07 - 23 - F - Nathan Epler: So yes, there are.

2138
04:08:55.620 --> 04:08:57.330
120 Broadway Hearing Room: Numerous examples.

2139
04:08:57.690 --> 04:08:59.730
x PH07 - 23 - F - Nathan Epler: Both in the city and in New York state.

2140
04:09:00.090 --> 04:09:02.040
x PH07 - 23 - F - Nathan Epler: Of these types of sites being.

2141
04:09:02.040 --> 04:09:03.000
120 Broadway Hearing Room: successfully.

2142
04:09:03.450 --> 04:09:06.480
x PH07 - 23 - F - Nathan Epler: and safely remediated and for.

2143
04:09:08.070 --> 04:09:08.850
120 Broadway Hearing Room: Our protective.

2144
04:09:09.090 --> 04:09:10.380
120 Broadway Hearing Room: Of the occupants.

2145
04:09:11.700 --> 04:09:13.920
120 Broadway Hearing Room: Okay that's probably good enough, thank you very much.

2146

04:09:14.250 --> 04:09:14.730
you're welcome.

2147
04:09:16.980 --> 04:09:20.400
120 Broadway Hearing Room: Other questions for miss traveler, thank you for raising that.

2148
04:09:22.080 --> 04:09:23.220
120 Broadway Hearing Room: Thank you for your testimony.

2149
04:09:24.750 --> 04:09:30.870
120 Broadway Hearing Room: Our next speaker will be JESSICA Jager who will be followed by will see a Marcus Reagan.

2150
04:09:34.050 --> 04:09:45.990
x PH07 - 24 - F - Jessica Yager: Good afternoon, my name is JESSICA Hager i'm on the board of the fifth avenue committee i'm here today to testify and supportive GLONASS green and in support of the guavas neighborhood coalition for justice as priorities.

2151
04:09:46.920 --> 04:09:49.830
x PH07 - 24 - F - Jessica Yager: The fifth avenue committee is a 43 year old nonprofit.

2152
04:09:50.010 --> 04:09:55.740
x PH07 - 24 - F - Jessica Yager: comprehensive Community development corporation, whose mission is to advance economic, social and racial justice.

2153
04:09:56.460 --> 04:10:05.160
x PH07 - 24 - F - Jessica Yager: fact was founded, to fight the practice of redlining locally and the disinvestment and segregation that persist today from that government sanctioned practice of systemic racism.

2154
04:10:06.180 --> 04:10:11.010
x PH07 - 24 - F - Jessica Yager: Because of the significant number of deeply and permanently affordable housing units that will be built.

2155
04:10:11.370 --> 04:10:15.240
x PH07 - 24 - F - Jessica Yager: The GLONASS area wide rezoning proposal will help advance fair housing and equity.

2156
04:10:15.930 --> 04:10:31.470
x PH07 - 24 - F - Jessica Yager: But to truly do this and must also fund the preservation of GLONASS houses and why cough gardens, and do so in a way that local Nigel leader support this rezoning must also map mandatory exclusionary housing option one and the deep affordability option to promote inclusion.

2157
04:10:32.580 --> 04:10:35.100
120 Broadway Hearing Room: Back is a proud want to screen.

2158
04:10:35.340 --> 04:10:40.920
x PH07 - 24 - F - Jessica Yager: which will create 950 units of affordable housing, a new public park and a new public school.

2159
04:10:41.580 --> 04:10:44.790
x PH07 - 24 - F - Jessica Yager: guana screen will serve new Yorkers with a range of incomes and needs.

2160
04:10:45.150 --> 04:11:00.900
x PH07 - 24 - F - Jessica Yager: At least 50% of the rental has and will be dedicated to household incomes at or below 50% of area median income, which is about $54,000 for a family of 350 percent of the rental units will be for formerly homeless households 115 units will be for.

2161
04:11:00.960 --> 04:11:02.370
x PH07 - 24 - F - Jessica Yager: Affordable senior housing.

2162
04:11:02.580 --> 04:11:05.910
x PH07 - 24 - F - Jessica Yager: And 73 units will be supportive housing for disabled individuals.

2163
04:11:06.660 --> 04:11:16.950
x PH07 - 24 - F - Jessica Yager: As a long time brooklyn resident and an affordable housing advocate i'm very excited about the promise of this rezoning to bring real and lat long lasting affordability to this part of the city that so desperately needs it.

2164
04:11:17.640 --> 04:11:29.340
x PH07 - 24 - F - Jessica Yager: The affordable housing created through myth and one is green will be permanently in deeply affordable, and this

at the same time, we must not miss this opportunity to address the substantial needs of our local natural developed developments.

2165
04:11:30.360 --> 04:11:41.130
x PH07 - 24 - F - Jessica Yager: There are experts here today to address the questions about the environmental remediation of the guana screen site, but I want to assure you that the fifth avenue committee is deeply committed to ensuring the health and safety of the site.

2166
04:11:41.700 --> 04:11:49.620
x PH07 - 24 - F - Jessica Yager: Facts long standing mission is to advance economic, social and racial justice and its work has included climate and environmental justice organizing for more than a decade.

2167
04:11:50.010 --> 04:12:01.140
x PH07 - 24 - F - Jessica Yager: That would never be part of the redevelopment of a site that wasn't safe for future residents, I urge you to support go on a screen and gnc js priorities as part of your yes vote on the US area right.

2168
04:12:01.380 --> 04:12:02.550
x PH07 - 24 - F - Jessica Yager: area wide rezoning.

2169
04:12:02.670 --> 04:12:03.750
Thank you for your time today.

2170
04:12:05.310 --> 04:12:05.730
120 Broadway Hearing Room: Thank you.

2171
04:12:05.850 --> 04:12:06.990
120 Broadway Hearing Room: Questions for me sugar.

2172
04:12:08.340 --> 04:12:14.760
120 Broadway Hearing Room: Thank you for testifying our next speaker will be Lucy emoticons Braden followed by Martin with it.

2173
04:12:18.240 --> 04:12:19.050
120 Broadway Hearing Room: hello, can you hear me.

2174
04:12:20.310 --> 04:12:21.720

120 Broadway Hearing Room: Welcome, yes hi.

2175
04:12:22.770 --> 04:12:33.000
x PH07 - 25 - F - Lucia Marquez Reagan: Hello Good afternoon, my name is Lucy a Marcus regan i'm a community and tenant organizer and advocate a fifth avenue committee and a proud member of the go honest neighborhood coalition for justice.

2176
04:12:33.450 --> 04:12:38.580
x PH07 - 25 - F - Lucia Marquez Reagan: As mentioned before, our coalition will not support the rezoning unless our top three demands are met.

2177
04:12:38.970 --> 04:12:53.160
x PH07 - 25 - F - Lucia Marquez Reagan: Full capital funding for local knighted developments 00 combined sewer of overflow and the creation of a task force to hold the city and all parties accountable for commitments made through the rezoning process in addition.

2178
04:12:53.220 --> 04:12:55.920
x PH07 - 25 - F - Lucia Marquez Reagan: i'd like to emphasize or affordable housing demands.

2179
04:12:55.950 --> 04:13:03.330
x PH07 - 25 - F - Lucia Marquez Reagan: Including creating an affordable housing preference for local CD six nights a residence and prioritizing our lowest.

2180
04:13:03.900 --> 04:13:09.750
x PH07 - 25 - F - Lucia Marquez Reagan: prioritizing our lowest income residents seniors and those with disabilities and the availability of units.

2181
04:13:10.170 --> 04:13:18.240
x PH07 - 25 - F - Lucia Marquez Reagan: The city must also commit to a significant number of section eight vouchers for existing nature residents, so they can move to newly created affordable housing.

2182
04:13:18.780 --> 04:13:28.800
x PH07 - 25 - F - Lucia Marquez Reagan: The second is for the city to only map our deepest only map the deepest mandatory inclusion airy housing options option 120 5% of the units a 60% Am I.

2183
04:13:29.220 --> 04:13:39.360
x PH07 - 25 - F - Lucia Marquez Reagan: an option 320 percent at 40% Am I option one in three should be mapped as a part of the goal honest rezoning to both ensure more local low.

2184
04:13:39.540 --> 04:13:41.310
x PH07 - 25 - F - Lucia Marquez Reagan: and moderate income residents.

2185
04:13:41.370 --> 04:13:54.960
x PH07 - 25 - F - Lucia Marquez Reagan: Including seniors and households, whose annual income is between zero and 60% of Am I can benefit from the affordable housing units built and to allow a greater number of former go honest and lower park so presidents.

2186
04:13:55.260 --> 04:13:58.380
x PH07 - 25 - F - Lucia Marquez Reagan: Primarily, lower income people of color who have been displaced.

2187
04:13:58.560 --> 04:14:16.470
x PH07 - 25 - F - Lucia Marquez Reagan: to qualify for new units, the city must also man mandate lower mid levels for private developers developments along the gowanus canal must commit to deeper affordability, then, am I alone, by providing 25% permanently affordable housing on an average of 50% of Am I.

2188
04:14:17.040 --> 04:14:19.140
x PH07 - 25 - F - Lucia Marquez Reagan: With 10% at 30% Am I.

2189
04:14:19.800 --> 04:14:28.800
x PH07 - 25 - F - Lucia Marquez Reagan: The city must also consider improvements to social resilience and health outcomes for public housing residents, this includes developing plans to address environmental.

2190
04:14:28.800 --> 04:14:36.720
x PH07 - 25 - F - Lucia Marquez Reagan: injustices, including CSO flooding urban heat island emergency preparedness preparedness.

2191
04:14:37.080 --> 04:14:39.570
x PH07 - 25 - F - Lucia Marquez Reagan: Climate resilience mold lead.

2192
04:14:39.750 --> 04:14:51.570
x PH07 - 25 - F - Lucia Marquez Reagan: An asbestos and air quality and public housing safe and healthy housing is a human right, and by honoring these demands, and the resulting The city is taking a step towards housing justice, thank you for your time.

2193
04:14:54.180 --> 04:14:54.720
Thank you.

2194
04:14:55.890 --> 04:14:57.870
120 Broadway Hearing Room: Question for miss not very good.

2195
04:14:59.310 --> 04:15:05.850
120 Broadway Hearing Room: Okay, thank you, our next speaker will be Martin would had who will be followed by Marlene Donnelly.

2196
04:15:13.170 --> 04:15:17.010
120 Broadway Hearing Room: Martin would hit edit signed up as a in person.

2197
04:15:18.420 --> 04:15:19.140
120 Broadway Hearing Room: In the brain.

2198
04:15:21.720 --> 04:15:30.450
120 Broadway Hearing Room: Okay i'm keeping a list of the people who aren't here and, at the end, we can come back so the next is Marlene Donnelly, to be followed by Andrea Parker.

2199
04:15:42.960 --> 04:15:43.560
120 Broadway Hearing Room: Welcome

2200
04:15:47.400 --> 04:15:54.630
120 Broadway Hearing Room: i'm Marlene donley I live in work in GLONASS where my husband, I have a business and I raised my family on the number of friends was integrator who wanted.

2201
04:15:55.110 --> 04:16:10.530
120 Broadway Hearing Room: To help bring the super fun effort into the canal i'm also somebody who got involved in the water quality standards for the gowanus canal back in 2002 on the EP stakeholders groups where

the past 20 years i've been advocating for different water classification.

2202
04:16:12.180 --> 04:16:22.170
120 Broadway Hearing Room: And we're going to talk to it, but one of the things that I need to point out to this organization, I support the things that you, I am fine and said today has spoken to her about what was going on our Community many times.

2203
04:16:22.860 --> 04:16:29.490
120 Broadway Hearing Room: i've also support the things that go voice of awareness has been output, putting forward we need environmental assessments.

2204
04:16:30.630 --> 04:16:39.540
120 Broadway Hearing Room: As part of the rezoning as part of the study of the impact of these learnings from our federal agencies who have jurisdictional responsibilities and they're not being met.

2205
04:16:40.500 --> 04:16:48.570
120 Broadway Hearing Room: Specifically, one of the things that i'm very concerned about is in 2008 this body presented a user process for public place.

2206
04:16:49.290 --> 04:17:00.120
120 Broadway Hearing Room: In that in those documents it specifically says, because there will be federal hud money used in this rezoning that there must be a federal nepa action.

2207
04:17:01.080 --> 04:17:09.900
120 Broadway Hearing Room: Is that so you guys said it was a responsibility on requirement and yet, today you move forward rezoning that's an expanded to at blocks and it's not a mention of it.

2208
04:17:10.860 --> 04:17:18.120
120 Broadway Hearing Room: The you're really short changed the Community and not having that, as you see, there are many, many concerns that have been played out here.

2209
04:17:18.810 --> 04:17:36.150
120 Broadway Hearing Room: that need to be addressed by under the law, we have a process and we're avoiding it i'm asking you that you must step

back and redo this and acknowledge that needs the nepa assessment in this rezoning you did before and I don't understand why it was left out is obfuscated.

2210
04:17:37.680 --> 04:17:53.790
120 Broadway Hearing Room: The other thing that i'm very concerned about the as the water quality and we keep hearing this notion of net 090 is meaningless in terms of water quality standards, but what we're talking about with the VIP plan is they're trading one gallon of water that's half.

2211
04:17:55.080 --> 04:17:59.940
120 Broadway Hearing Room: So it's floods can have rain for Dell and it's going to be 100% sewage sludge.

2212
04:18:01.320 --> 04:18:09.420
120 Broadway Hearing Room: So at best it'll say the same more likely because they're claiming people are going to be removing rainwater.

2213
04:18:09.780 --> 04:18:17.580
120 Broadway Hearing Room: Where they're currently not sending bringing water into the system you look at public place site there's no rain water channel into our sewer system from that site.

2214
04:18:17.880 --> 04:18:28.290
120 Broadway Hearing Room: Yet the DPS storm water act gives them a credit for not sending rainwater to the site and says oh there's subtracting so they're not going to have the impact with the new suicides going in.

2215
04:18:28.980 --> 04:18:39.600
120 Broadway Hearing Room: We are going to have a lot more loads of of the stills from the sewage in those pipes and from public place site it's not going to overflow into the GLONASS it's being sent down to red hook.

2216
04:18:40.290 --> 04:18:48.570
120 Broadway Hearing Room: Where it now has to go all the way up along Columbia Columbia street where merges with the stuff that's coming from the Atlantic yards.

2217
04:18:49.200 --> 04:18:59.370
120 Broadway Hearing Room: This always also being done i'm afraid not

finally that your time is up, I want to thank you because I know that you've been here since the beginning and very much appreciate questions from is Donnelly.

2218
04:19:01.530 --> 04:19:02.280
120 Broadway Hearing Room: Again, thank you.

2219
04:19:03.870 --> 04:19:10.020
120 Broadway Hearing Room: Our next speaker is Andrea Parker to be followed by Andrew citron.

2220
04:19:12.240 --> 04:19:19.500
120 Broadway Hearing Room: Welcome, thank you, thanks for allowing me to testify today i'm Andrea Parker executive director of Guadalcanal conservancy.

2221
04:19:20.190 --> 04:19:27.390
120 Broadway Hearing Room: we're a proud member of the goal honest neighborhood coalition for justice and as you've heard, we will not support the rezoning less our top three demands are met.

2222
04:19:27.810 --> 04:19:37.620
120 Broadway Hearing Room: Which are full capital funding for guana tells them like off gardens net zero CSO and I think just to back up Marlene points, I do think that there really needs to be a very.

2223
04:19:38.130 --> 04:19:45.510
120 Broadway Hearing Room: Clear oversight i've been in just in terms of like what's the question about the EPA in consistencies that I think.

2224
04:19:46.200 --> 04:19:55.050
120 Broadway Hearing Room: Mr 11 asked that's about the water and sewer measurements that needs to be looked at more closely and we definitely need to see EPA oversight on that.

2225
04:19:55.650 --> 04:20:01.800
120 Broadway Hearing Room: And we also demand the creation of a task force to hold the city and all parties accountable for commitments made for the rezoning process.

2226
04:20:02.820 --> 04:20:08.640

120 Broadway Hearing Room: Today i'd like to use my time to discuss the need for the city to make clear commitments to invest in a neighborhood open space.

2227
04:20:09.570 --> 04:20:18.480
120 Broadway Hearing Room: Go out so severely lacking in both parks and open space as the city is D ash is shows the proposed rezoning will add critical open space to the neighborhood.

2228
04:20:18.840 --> 04:20:32.850
120 Broadway Hearing Room: Including public waterfront and a new park on public place, however, this increased open space will still be a fraction of what the city recommends and it's particularly low on the active face ratio, which is critical to supporting a more residential neighborhood.

2229
04:20:34.230 --> 04:20:49.800
120 Broadway Hearing Room: Additionally, this ratio relies on new parks are not yet created at are also actually far from the rezoning area, including Pacific Park, we have seen in too many prior rezone in the city promises open space, but does not commit to a firm timeline and funding for that space.

2230
04:20:50.820 --> 04:20:53.880
120 Broadway Hearing Room: The reason growth and adjacent neighborhoods has not helped this issue.

2231
04:20:54.480 --> 04:20:59.640
120 Broadway Hearing Room: As Joe and Simon mentioned earlier the downtown brooklyn resign underestimated residential population growth.

2232
04:20:59.910 --> 04:21:06.630
120 Broadway Hearing Room: And that's the city did not invest insufficient Community infrastructure, including open space school seats libraries and Community facilities.

2233
04:21:07.050 --> 04:21:10.200
120 Broadway Hearing Room: We cannot allow the same mistake to happen here again.

2234
04:21:11.040 --> 04:21:20.580
120 Broadway Hearing Room: The city must commit in the points of agreement to creating and supporting creation of more open space in the

immediate neighborhood as well as investing investing and existing open spaces.

2235
04:21:21.360 --> 04:21:27.930
120 Broadway Hearing Room: This should include capital commitments and timeline for plan parks, the head of canal and public place, including commitments for boat access.

2236
04:21:28.770 --> 04:21:37.860
120 Broadway Hearing Room: additional commitments to build new open space on up to six acres of available to the own land through the neighborhood, including the salt lot the transit Plaza under the tracks and green space on fourth.

2237
04:21:38.700 --> 04:21:49.980
120 Broadway Hearing Room: renovations and improvements to ensure that existing parks and open spaces can support growing population, including Thomas green park or don't have annex, public health and campuses and a critical bathroom in St mary's park.

2238
04:21:50.880 --> 04:21:57.570
120 Broadway Hearing Room: commitments to converting three acres of schoolyards into playground, in order to provide that deeply needed active open space.

2239
04:21:58.560 --> 04:22:07.350
120 Broadway Hearing Room: And then finally modifications to the waterfront exit plan, as well as the certification process to better facilitate active uses water access and Community oversight.

2240
04:22:07.680 --> 04:22:14.610
120 Broadway Hearing Room: To really help build this plan into this wonderful vision of this resilient active green space centered on the gloves come out.

2241
04:22:15.690 --> 04:22:29.190
120 Broadway Hearing Room: And all of these measurements must be transparently recorded Thank you so much for allowing me to testify today, thank you, and if you have longer written testimony please feel free to submit it, we will be submitting it shortly Thank you questions from as Parker Commissioner Bernie.

2242

04:22:31.020 --> 04:22:41.670
120 Broadway Hearing Room: Thank you so beyond those aspirations were suddenly concur with you have in your testimony in in sort of specific locations are we see opportunities for this open space.

2243
04:22:42.450 --> 04:22:54.030
120 Broadway Hearing Room: That you're going to submit, yes, yes we've identified, I mean it's really nine acres of additional up and moving it could be created in the neighborhood Okay, thank you and i'll be submitting that in writing other questions.

2244
04:22:55.590 --> 04:22:57.420
120 Broadway Hearing Room: you're off the hook miss Parker Thank you.

2245
04:23:00.300 --> 04:23:02.820
120 Broadway Hearing Room: Our next speaker is Andrew see tron.

2246
04:23:04.470 --> 04:23:05.880
120 Broadway Hearing Room: followed by debbie scholar.

2247
04:23:08.940 --> 04:23:18.120
120 Broadway Hearing Room: Andrew is not into zoom i'll keep an eye out for him Okay, then we will go to debbie stoller who will be followed by a one foot.

2248
04:23:20.100 --> 04:23:24.900
x PH07 - 40 - O - DS Sto: I thank you very much for the opportunity to address today, my name is debbie stoller.

2249
04:23:25.140 --> 04:23:34.530
x PH07 - 40 - O - DS Sto: And i'm a member of voice of go honest coalition of community groups concerned citizens and small business owners who have come together to fight for adjust and sustainable future for GLONASS.

2250
04:23:34.950 --> 04:23:41.940
x PH07 - 40 - O - DS Sto: founders of our coalition include environmental activists who are instrumental in the successful campaign to list the gowanus canal is a superfund site.

2251
04:23:42.300 --> 04:23:52.290

x PH07 - 40 - O - DS Sto: we're deeply committed to safeguarding the health and safety of current and future residents and working to contract the decades of environmental and justice that has so deeply harmed our neighborhood.

2252
04:23:52.710 --> 04:23:56.520
x PH07 - 40 - O - DS Sto: This long standing and ongoing abuse of the gowanus canal and it's environments.

2253
04:23:56.700 --> 04:24:01.290
x PH07 - 40 - O - DS Sto: has led to serious and compounding health and safety impacts for our Community, including.

2254
04:24:01.560 --> 04:24:08.130
x PH07 - 40 - O - DS Sto: 10,000 residents in public housing Before I continue, I just want to point out that the public place site that we've heard so much about today.

2255
04:24:08.370 --> 04:24:15.330
x PH07 - 40 - O - DS Sto: Which is being planned for the extremely toxic site that one EPA representative has even suggested could never be cleaned up enough for human residence.

2256
04:24:15.720 --> 04:24:27.300
x PH07 - 40 - O - DS Sto: Only constitutes 5% of the area of this entire result it perhaps deserves its own you learn, yet we are discussing a 100 acre reason 75% of which will be very high end luxury units.

2257
04:24:27.720 --> 04:24:37.890
x PH07 - 40 - O - DS Sto: Looking at the one existing developer already on the bonus, this means 30 $500 one bedroom apartments and $6,000 two bedroom units so there's a lot of money to be made here.

2258
04:24:38.130 --> 04:24:44.520
x PH07 - 40 - O - DS Sto: And for that reason, I feel that environmental justice issues are being overlooked laws are even being broken to push this forward.

2259
04:24:45.060 --> 04:24:54.210
x PH07 - 40 - O - DS Sto: And 57 committee and brad lander colluding to buy off neighborhood nycha residents who stand to face the most serious environmental justice issues from this rezone.

2260
04:24:54.570 --> 04:25:01.320
x PH07 - 40 - O - DS Sto: by getting to them and to approve this plan by holding much needed funding for their developments over their heads, as a carrot is unconscionable.

2261
04:25:01.650 --> 04:25:07.710
x PH07 - 40 - O - DS Sto: brad lander should have obtained that funding long ago he's had two full terms as Council member to accomplish this.

2262
04:25:08.160 --> 04:25:22.410
x PH07 - 40 - O - DS Sto: The ad to block rezoning area life substantially and a female flood zone, a that experienced severe flooding during hurricane sandy, including the guavas houses nycha campus the razon area also includes 133 documented toxic sites.

2263
04:25:22.890 --> 04:25:24.960
120 Broadway Hearing Room: The city's own sea level rise projections.

2264
04:25:24.960 --> 04:25:29.400
x PH07 - 40 - O - DS Sto: So that future storm events will increase flood risk and the risk of toxic exposure.

2265
04:25:30.750 --> 04:25:38.670
x PH07 - 40 - O - DS Sto: Given these and other facts and what the law prescribes the Community has been advocating for months to have relevant federal agencies, including EPA.

2266
04:25:38.970 --> 04:25:47.880
x PH07 - 40 - O - DS Sto: fema hud and the army corps of engineers to identify themselves as Mubarak involved agencies under the state environmental quality review act.

2267
04:25:48.390 --> 04:25:57.210
x PH07 - 40 - O - DS Sto: In fact, this is what is required by law congresswoman nydia velazquez has enjoyed and has joined the Community and pushing the full involvement of federal agencies.

2268
04:25:57.660 --> 04:26:05.220
x PH07 - 40 - O - DS Sto: And earlier this month EPA revealed to Congressman Congressman Velasquez that they have indeed identified flaws

errors and consistencies.

2269
04:26:05.550 --> 04:26:16.680
x PH07 - 40 - O - DS Sto: In the water modeling used by the city and the kiwanis D is before you today just to note the amount of coliform bacteria meaning poop in the water is 1,000% more than what is legal.

2270
04:26:16.770 --> 04:26:17.400
120 Broadway Hearing Room: At the moment.

2271
04:26:17.760 --> 04:26:21.540
x PH07 - 40 - O - DS Sto: and also the surrounding brownfield areas, leaving out the public place site.

2272
04:26:21.750 --> 04:26:22.800
x PH07 - 40 - O - DS Sto: Has 1,000%.

2273
04:26:23.310 --> 04:26:24.000
120 Broadway Hearing Room: Then it's legal.

2274
04:26:24.750 --> 04:26:25.650
x PH07 - 40 - O - DS Sto: The currency is.

2275
04:26:27.120 --> 04:26:28.380
120 Broadway Hearing Room: i'm afraid my stoller.

2276
04:26:28.440 --> 04:26:32.160
x PH07 - 40 - O - DS Sto: That your time is up, but we would welcome you're submitting written testimony.

2277
04:26:33.780 --> 04:26:36.540
120 Broadway Hearing Room: And alternate ask if there are questions from the Commission.

2278
04:26:38.550 --> 04:26:39.990
120 Broadway Hearing Room: Thank you again for testifying.

2279
04:26:43.380 --> 04:26:45.150
120 Broadway Hearing Room: Our next speaker will be.

2280
04:26:46.170 --> 04:26:50.070
120 Broadway Hearing Room: Owen fuller who will be followed by five karmali.

2281
04:27:08.520 --> 04:27:13.500
120 Broadway Hearing Room: Owen was in the room looks like we might have lost him let's.

2282
04:27:16.200 --> 04:27:20.040
120 Broadway Hearing Room: yeah we'll get him back, because I know testify here before.

2283
04:27:21.180 --> 04:27:25.650
120 Broadway Hearing Room: Okay, then we'll move on to feisal karmali who will be followed by Tina worth.

2284
04:27:48.630 --> 04:27:48.900
120 Broadway Hearing Room: well.

2285
04:27:51.660 --> 04:27:53.850
120 Broadway Hearing Room: He was unmuted and about to speak and.

2286
04:27:54.210 --> 04:27:58.350
120 Broadway Hearing Room: Can you hear me now, yes, there we go welcome Thank you.

2287
04:27:59.280 --> 04:28:06.540
x PH07 - 32 - F - Faizal Karmali: My name is faisal karmali and, in addition to being a concern broken resident i'm the chairperson of the board of directors of go on as canal conservancy.

2288
04:28:07.230 --> 04:28:15.990
x PH07 - 32 - F - Faizal Karmali: conservancy is the lead environmental steward for the neighborhood and we stand alongside our colleagues in the go on this neighborhood coalition for justice.

2289
04:28:16.650 --> 04:28:18.510
x PH07 - 32 - F - Faizal Karmali: If done right a district wide go on and.

2290
04:28:19.200 --> 04:28:23.490
x PH07 - 32 - F - Faizal Karmali: off as a promising opportunity to make progress towards a more justin green neighborhood.

2291
04:28:24.120 --> 04:28:29.490
x PH07 - 32 - F - Faizal Karmali: i'd like to use my two minutes to discuss the need for the city to create a Community based Task Force.

2292
04:28:29.730 --> 04:28:33.900
x PH07 - 32 - F - Faizal Karmali: To hold the city and developers accountable for all the commandments made through the rezoning.

2293
04:28:33.900 --> 04:28:34.710
x PH07 - 32 - F - Faizal Karmali: process.

2294
04:28:35.280 --> 04:28:37.380
120 Broadway Hearing Room: My understanding is that there'll be three parts.

2295
04:28:37.440 --> 04:28:38.910
x PH07 - 32 - F - Faizal Karmali: Of the goal on this neighborhood plan.

2296
04:28:39.660 --> 04:28:40.770
120 Broadway Hearing Room: The zoning text.

2297
04:28:40.860 --> 04:28:51.750
x PH07 - 32 - F - Faizal Karmali: The environmental impact statement and the points of agreement, many of the commitments that we are advocating for will be in the points of agreement, a list of city commitments negotiated by the Community.

2298
04:28:51.900 --> 04:28:55.140
120 Broadway Hearing Room: Through the dealer process these commitments are tracked.

2299
04:28:55.200 --> 04:28:57.870
x PH07 - 32 - F - Faizal Karmali: In the New York City rezoning commitments tracker on.

2300
04:28:59.250 --> 04:29:03.090
x PH07 - 32 - F - Faizal Karmali: The tracker currently operates as a one way information distribution system.

2301
04:29:03.270 --> 04:29:17.580
x PH07 - 32 - F - Faizal Karmali: And does not truly support communities and understanding are providing feedback on the ongoing status of city commitments given the scale and complexity of this rezoning which we have all recognize as well as the overlaps with the superfund and other remediation.

2302
04:29:17.580 --> 04:29:22.140
x PH07 - 32 - F - Faizal Karmali: Activities such a task force can not only provide up to date information.

2303
04:29:22.410 --> 04:29:27.960
x PH07 - 32 - F - Faizal Karmali: But also serve as a place in process to register issues and ensure accountability around implementation.

2304
04:29:28.650 --> 04:29:36.660
x PH07 - 32 - F - Faizal Karmali: Critical to GCC mission, we believe this task force must receive reporting on combined sewer overflows water quality and sewer modeling.

2305
04:29:36.930 --> 04:29:43.380
x PH07 - 32 - F - Faizal Karmali: As well as provide a mechanism for the Community to provide input into waterfront esplanade designs prior to certification.

2306
04:29:44.040 --> 04:29:50.580
x PH07 - 32 - F - Faizal Karmali: The creation of such a task force would ensure that the Community remains empowered to engage with the rezoning as its implemented.

2307
04:29:50.910 --> 04:29:55.860
x PH07 - 32 - F - Faizal Karmali: And would give the Community and mechanism through which to ensure that the commitments that the city makes are fulfilled.

2308
04:29:56.580 --> 04:30:04.680
x PH07 - 32 - F - Faizal Karmali: The city has made extensive efforts to

make this rezoning process, inclusive and as made meaningful effort of hearing the and integrating Community interest.

2309
04:30:05.010 --> 04:30:14.160
x PH07 - 32 - F - Faizal Karmali: A task force would be an extension of this effort in mitigate concerns that the oneness rezoning may fall prey to unfulfilled promises as other reasonings have in the past.

2310
04:30:14.520 --> 04:30:19.950
x PH07 - 32 - F - Faizal Karmali: Further details on such a task force will be included in the written testimony that will be submitted by the conservancy.

2311
04:30:20.310 --> 04:30:21.180
120 Broadway Hearing Room: Thank you very much.

2312
04:30:23.340 --> 04:30:25.350
120 Broadway Hearing Room: Thank you, questions for Mr Crawley.

2313
04:30:28.350 --> 04:30:32.610
120 Broadway Hearing Room: Thank you for your testimony and we look forward to written testimony.

2314
04:30:33.750 --> 04:30:44.640
120 Broadway Hearing Room: Our next speaker will be gina worth and be followed by Robert mccool actually Mr foot is back in the room, so okay apology, so we will go to the square foot and then to gina worth.

2315
04:30:46.680 --> 04:30:47.160
120 Broadway Hearing Room: you hear me now.

2316
04:30:48.570 --> 04:30:50.160
120 Broadway Hearing Room: Welcome, yes, thank you.

2317
04:30:50.190 --> 04:30:52.710
x PH07 - 31 - F - Owen Foote: Sorry, through before Good afternoon, my name is Owen.

2318
04:30:52.710 --> 04:30:59.130
x PH07 - 31 - F - Owen Foote: Foot and while I volunteer with many groups

have gone us today, I speak as an advocate of our neighborhood for the past 30 years.

2319
04:30:59.880 --> 04:31:07.350
x PH07 - 31 - F - Owen Foote: During that time many neighborhoods of Community board six have become more affluent and wider while go on us and red hook continued to be of lower income and.

2320
04:31:07.350 --> 04:31:11.250
x PH07 - 31 - F - Owen Foote: With market rents affordable to those earning 130% Am I.

2321
04:31:12.030 --> 04:31:17.250
x PH07 - 31 - F - Owen Foote: Today you'll hear from speakers that this rezoning as an athlete mostly white go on his neighborhood and that's simply not true.

2322
04:31:18.030 --> 04:31:22.560
x PH07 - 31 - F - Owen Foote: We should recognize and support our go on as population mostly black and African descent.

2323
04:31:23.370 --> 04:31:31.230
x PH07 - 31 - F - Owen Foote: I speak in favor due to the promise of the affordable housing and it's in the reduction of 2% of our current sewage overflow events.

2324
04:31:31.800 --> 04:31:49.620
x PH07 - 31 - F - Owen Foote: While I believe only half of that number will really be less affordable than current market President of go on us even 1500 truly affordable units is an amazing envision to be constructed in the next few years, however, my support is conditional I asked that CPC consider improving.

2325
04:31:50.010 --> 04:31:52.230
120 Broadway Hearing Room: Not removing access to and from.

2326
04:31:52.230 --> 04:32:01.290
x PH07 - 31 - F - Owen Foote: Our soon to be clean go on it's going out at the recent Huntington street rezoning several Commissioners assured over doesn't speakers at that hearing that request by the Community.

2327

04:32:01.350 --> 04:32:02.310
x PH07 - 31 - F - Owen Foote: The borough President.

2328
04:32:02.670 --> 04:32:12.960
x PH07 - 31 - F - Owen Foote: And the speakers would be considered a few weeks later this Commission voted to approve barriers denying use by up to 3000 red hook residents.

2329
04:32:13.380 --> 04:32:14.040
x PH07 - 31 - F - Owen Foote: Most of whom.

2330
04:32:14.070 --> 04:32:15.120
x PH07 - 31 - F - Owen Foote: are lower income.

2331
04:32:15.420 --> 04:32:27.810
x PH07 - 31 - F - Owen Foote: and members of Latin Latin America African descent i've attended countless over 50 meetings to ask the city to listen to our Community request for access to our soon to be canal waters from our dead end streets.

2332
04:32:28.620 --> 04:32:34.680
x PH07 - 31 - F - Owen Foote: Approximately 13 years ago CPC approved access that second street included in 365 bond street.

2333
04:32:34.680 --> 04:32:35.250
120 Broadway Hearing Room: rezoning.

2334
04:32:35.550 --> 04:32:39.960
x PH07 - 31 - F - Owen Foote: But that launch site mostly serves mostly affluent white members of color gardens cobble Hill and parks up.

2335
04:32:40.620 --> 04:32:48.450
x PH07 - 31 - F - Owen Foote: Today there's an option to modify the text proposed, and I hope you consider amending the lab to require on water accommodation.

2336
04:32:49.110 --> 04:32:56.640
x PH07 - 31 - F - Owen Foote: At our streets that hit our goal on has come out at minimum two changes specific to the lab should be made in your approval.

2337
04:32:57.120 --> 04:33:10.410
x PH07 - 31 - F - Owen Foote: One remove the additional seating a dead end barricades of our streets these seating areas provide one more obstacle to save use of the dead end street to launch boats.

2338
04:33:11.430 --> 04:33:18.720
x PH07 - 31 - F - Owen Foote: Second recruit remove the required inappropriate shoreline lighting included in the lap to allow for night sky viewing from our walkway.

2339
04:33:19.350 --> 04:33:27.690
x PH07 - 31 - F - Owen Foote: As one Commissioner mentioned that certification to propose traffic light as inappropriate as over illuminates and it's the wrong aesthetic of our new waterfront.

2340
04:33:28.590 --> 04:33:32.010
x PH07 - 31 - F - Owen Foote: Low Level bollard style of writing similar to what's currently at place in whole.

2341
04:33:32.040 --> 04:33:48.120
x PH07 - 31 - F - Owen Foote: foods on the canal would be much better inclusion of night sky reflectors on such traffic waterfront lighting only allows for the affluent relevance of the new housing see stars from their exclusive rooftops and that exclusivity further separates in a ready divided.

2342
04:33:48.720 --> 04:33:49.950
x PH07 - 31 - F - Owen Foote: Community of haves and have.

2343
04:33:49.950 --> 04:33:51.210
x PH07 - 31 - F - Owen Foote: nots Thank you.

2344
04:33:51.240 --> 04:33:51.540
120 Broadway Hearing Room: Thank you.

2345
04:33:51.870 --> 04:33:52.620
120 Broadway Hearing Room: My question.

2346
04:33:54.570 --> 04:33:55.890
120 Broadway Hearing Room: Any questions from the Commission.

2347
04:33:57.600 --> 04:34:03.030
120 Broadway Hearing Room: Thank you for your testimony and if you have written testimony we would welcome you're submitting it thanks to.

2348
04:34:06.030 --> 04:34:10.590
120 Broadway Hearing Room: Our next speaker will be gene awards to be followed by Robert mccool.

2349
04:34:21.390 --> 04:34:21.780
120 Broadway Hearing Room: Hello.

2350
04:34:22.950 --> 04:34:25.110
120 Broadway Hearing Room: Welcome, my name is gina where.

2351
04:34:25.260 --> 04:34:33.300
x PH07 - 33 - F - Gena Wirth: i'm a brooklyn resident and have spent many years working along the banks of the go on us, both as a volunteer and professionally today escape landscape architecture.

2352
04:34:33.780 --> 04:34:40.020
x PH07 - 33 - F - Gena Wirth: As a landscape architect I work on the design of many waterfront sites across New York City, including development sites along the go honest.

2353
04:34:40.410 --> 04:34:46.710
x PH07 - 33 - F - Gena Wirth: My firm scape has been lucky enough to help support the planning efforts, led by the goal and has cannot conservancy with the GLONASS loans plan.

2354
04:34:47.130 --> 04:34:54.270
x PH07 - 33 - F - Gena Wirth: i'm personally very supportive of a thoughtful rezoning of the go on us that improves Critical Infrastructure provides affordable housing and provides public.

2355
04:34:54.300 --> 04:34:57.960
x PH07 - 33 - F - Gena Wirth: Access to the canal, I offer some comments today specific the.

2356
04:34:57.960 --> 04:34:59.040

x PH07 - 33 - F - Gena Wirth: Details of the web.

2357
04:35:00.180 --> 04:35:02.940
x PH07 - 33 - F - Gena Wirth: i've been pleased to see how the web, has been customized for the go honest.

2358
04:35:02.970 --> 04:35:04.680
x PH07 - 33 - F - Gena Wirth: and responsive to the lowlands plan.

2359
04:35:04.920 --> 04:35:12.270
x PH07 - 33 - F - Gena Wirth: To work with a unique conditions of this narrow water body typical New York City waterfront zoning is designed for large wide rivers, like the Hudson.

2360
04:35:12.510 --> 04:35:21.330
x PH07 - 33 - F - Gena Wirth: And the modifications to the regulations provide more flexibility and incentives to design title wetlands active program areas and Community amenities specific to the goal honest.

2361
04:35:21.810 --> 04:35:30.000
x PH07 - 33 - F - Gena Wirth: I support the modifications to the web that built in resilient high elevations for the primary path, while allowing paths to drop down for water access and get downs.

2362
04:35:30.270 --> 04:35:36.690
x PH07 - 33 - F - Gena Wirth: and would like to see even greater flexibility in these regulations and planning leadership around specific water access points.

2363
04:35:37.020 --> 04:35:39.180
x PH07 - 33 - F - Gena Wirth: As expanded water access is a critical need.

2364
04:35:39.210 --> 04:35:49.590
x PH07 - 33 - F - Gena Wirth: Of this community, particularly on public sites as the white lab and zoning evolves I also suggest the planting requirements be updated to include zones of structural soil to support tree planting.

2365
04:35:49.950 --> 04:35:58.440
x PH07 - 33 - F - Gena Wirth: There many competing interests within the

go honest public Brown and recent technologies like structural soil or soil soil is can expand permeable space and provide space for healthy.

2366
04:35:58.830 --> 04:36:07.980
x PH07 - 33 - F - Gena Wirth: On compacted tree root growth while still providing space for people to walk Finally I request the city advanced a collective agency vision for publicly owned street ends.

2367
04:36:08.160 --> 04:36:09.420
x PH07 - 33 - F - Gena Wirth: And mentioned these earlier.

2368
04:36:09.720 --> 04:36:14.370
x PH07 - 33 - F - Gena Wirth: These are critical interfaces between the canal the street network private sites and the public astronauts.

2369
04:36:14.730 --> 04:36:22.410
x PH07 - 33 - F - Gena Wirth: they're also messy regulatory zones of overlapping isn't agency jurisdictions, including do T fdny NDP.

2370
04:36:22.710 --> 04:36:31.350
x PH07 - 33 - F - Gena Wirth: which makes it extraordinarily difficult advanced pedestrian scale and human oriented gathering places that would complete the public realm lining mughal honest.

2371
04:36:31.680 --> 04:36:40.500
x PH07 - 33 - F - Gena Wirth: This isn't a physical challenge it's a regulatory and jurisdictional challenge and without city agency coordination support and vision these important portals to the canal.

2372
04:36:40.740 --> 04:36:55.590
x PH07 - 33 - F - Gena Wirth: will end up as large expanses of impermeable surface, we do not want to miss this opportunity to improve the canals resilience permeability and reduce urban heat island in this vulnerable neighborhood, thank you for all of the hard work that supports these very detailed conversations.

2373
04:36:57.750 --> 04:36:58.230
x PH07 - 33 - F - Gena Wirth: Thank you.

2374
04:36:58.560 --> 04:36:59.670
120 Broadway Hearing Room: Questions from his work.

2375
04:37:02.850 --> 04:37:12.510
120 Broadway Hearing Room: Okay, we will then move on to Robert mccool who will be followed by Kate Gilmore Good afternoon, thank you for the opportunity to testify today.

2376
04:37:13.140 --> 04:37:20.850
120 Broadway Hearing Room: My name is Robert cool and i'm the director of hormone, would you be able to speak a little bit louder you're at the limits of our hearing sure i'll do my my hearing.

2377
04:37:21.870 --> 04:37:22.410
120 Broadway Hearing Room: Is that better.

2378
04:37:23.790 --> 04:37:24.720
120 Broadway Hearing Room: i'm afraid not.

2379
04:37:30.690 --> 04:37:33.600
x PH07 - 34 - F - Robert McCool: i'll just do my best to speak as loud, as I can, so I am the director of.

2380
04:37:37.170 --> 04:37:43.740
120 Broadway Hearing Room: nonprofit affiliate of fifth avenue Committee, thank you very much for your time today testifying in support of the rezoning and.

2381
04:37:45.240 --> 04:37:50.160
120 Broadway Hearing Room: I also support the GLONASS neighborhood coalition for justice gnc jays demands and.

2382
04:37:50.160 --> 04:37:55.170
x PH07 - 34 - F - Robert McCool: priorities, which include upfront capital funding for the local micro communities net zero CS.

2383
04:37:55.470 --> 04:37:58.320
x PH07 - 34 - F - Robert McCool: A canal and ensuring local accountability related to the.

2384
04:37:58.320 --> 04:37:59.640
x PH07 - 34 - F - Robert McCool: Commitments associated with.

2385
04:37:59.670 --> 04:38:02.640
x PH07 - 34 - F - Robert McCool: reasoning, all of the mandatory exclusionary.

2386
04:38:02.820 --> 04:38:06.180
x PH07 - 34 - F - Robert McCool: Housing units produced through the rezoning will be affordable to fit.

2387
04:38:06.600 --> 04:38:08.520
x PH07 - 34 - F - Robert McCool: At an average of 60% Am I.

2388
04:38:09.000 --> 04:38:14.280
x PH07 - 34 - F - Robert McCool: And the majority of the 950 units at guana screen will be affordable to individuals below.

2389
04:38:14.310 --> 04:38:15.000
120 Broadway Hearing Room: 60% of.

2390
04:38:16.320 --> 04:38:17.310
x PH07 - 34 - F - Robert McCool: guana screen awesome.

2391
04:38:17.490 --> 04:38:25.950
x PH07 - 34 - F - Robert McCool: Dozens of affordable homes for purchase affordable homeownership opportunities are critically needed in brooklyn where the median home prices and now at least $900,000.

2392
04:38:26.520 --> 04:38:32.400
x PH07 - 34 - F - Robert McCool: This is wildly out of reach for most of neighbors helping neighbors homebuyers who have a median income of 70,000 and median household size of.

2393
04:38:32.400 --> 04:38:35.130
x PH07 - 34 - F - Robert McCool: Too many who purchase affordable homes at.

2394
04:38:35.130 --> 04:38:39.570
x PH07 - 34 - F - Robert McCool: guana screen will have spent many years or their entire lives within the neighborhood or within brooklyn.

2395
04:38:40.200 --> 04:38:47.970
x PH07 - 34 - F - Robert McCool: This opportunity will help them stay in the Community and realize the benefits of homeownership that many others through their own hard work hard saving and luck, have been able to realize for themselves.

2396
04:38:48.690 --> 04:38:59.190
x PH07 - 34 - F - Robert McCool: The rezoning proposal because of the 3000 affordable rental and homeownership units that will be built well affirmatively furthering fair housing the rezoning that's also fun, the preservation of GLONASS houses and wyclef.

2397
04:38:59.190 --> 04:38:59.760
120 Broadway Hearing Room: gardens night.

2398
04:39:01.560 --> 04:39:01.770
120 Broadway Hearing Room: These.

2399
04:39:01.980 --> 04:39:07.320
x PH07 - 34 - F - Robert McCool: In a way, that local nycha leader support, thank you for the opportunity to testify today ask for your support a.

2400
04:39:07.350 --> 04:39:08.070
120 Broadway Hearing Room: guana screen.

2401
04:39:08.700 --> 04:39:10.290
x PH07 - 34 - F - Robert McCool: You can see jays demands and priorities.

2402
04:39:10.350 --> 04:39:12.660
x PH07 - 34 - F - Robert McCool: As part of their vote on the bonus or your wide rezone.

2403
04:39:15.300 --> 04:39:16.530
120 Broadway Hearing Room: question for Mr Michael.

2404
04:39:18.090 --> 04:39:19.110
120 Broadway Hearing Room: Thank you for testifying.

2405

04:39:19.980 --> 04:39:20.910
x PH07 - 34 - F - Robert McCool: Our next speaker.

2406
04:39:21.120 --> 04:39:24.570
120 Broadway Hearing Room: will be taped don't want to be followed by Max.

2407
04:39:41.760 --> 04:39:43.290
120 Broadway Hearing Room: This Gilmore okay good.

2408
04:39:44.940 --> 04:39:46.890
120 Broadway Hearing Room: Here we go welcome good.

2409
04:39:47.280 --> 04:39:51.600
PH07 - 35 - F - Kate Gilmore - 1617****732: Good afternoon, thank you very much good afternoon chair logo and city planning.

2410
04:39:51.600 --> 04:39:53.670
PH07 - 35 - F - Kate Gilmore - 1617****732: Commissioners, thank you for giving me the.

2411
04:39:53.670 --> 04:39:59.910
PH07 - 35 - F - Kate Gilmore - 1617****732: opportunity to speak today, my name is Kate Gilmore and I serve as a board member of fifth avenue committee.

2412
04:40:00.480 --> 04:40:08.160
PH07 - 35 - F - Kate Gilmore - 1617****732: i'm here today to testify and supportive go on is green and in support of the gloaming neighborhood coalition for justice priorities.

2413
04:40:08.700 --> 04:40:21.210
PH07 - 35 - F - Kate Gilmore - 1617****732: I want to echo the eloquent sentiments expressed by fellow board member JESSICA yeager I will not repeat the highlights of the goal on the screen project, since I think the Commissioner is have heard them enumerated by multiple speakers today.

2414
04:40:22.230 --> 04:40:35.880
PH07 - 35 - F - Kate Gilmore - 1617****732: But like JESSICA, I do want to stress facts commitment to bringing this important project to

fruition, providing critically needed affordable housing in a neighborhood that has changed dramatically since fact was founded 43 years ago.

2415
04:40:36.540 --> 04:40:37.680
120 Broadway Hearing Room: fact is also deeply.

2416
04:40:37.680 --> 04:40:45.660
PH07 - 35 - F - Kate Gilmore - 1617****732: committed to the health and safety of go on is green relevance for the long standing mission to advance economic, social and racial justice.

2417
04:40:45.990 --> 04:40:56.040
PH07 - 35 - F - Kate Gilmore - 1617****732: Facts work has included climate and environmental justice organizing for more than a decade fact would never be a part of redeveloping a site that wasn't safe for its future residents.

2418
04:40:57.060 --> 04:41:09.360
PH07 - 35 - F - Kate Gilmore - 1617****732: The gw honest area wide rezoning proposal will help advance for housing and equity, but only if the priorities of GMC J, which include upfront funding for local micro communities capital needs.

2419
04:41:09.720 --> 04:41:23.850
PH07 - 35 - F - Kate Gilmore - 1617****732: and ensuring local accountability accountability related to the rezoning commitments are met, I asked for your support of guana screen and a commitment to meeting the priorities outlined by GMC Jay, thank you for your time today.

2420
04:41:26.070 --> 04:41:28.170
120 Broadway Hearing Room: Thank you, questions from as Gilmore.

2421
04:41:29.880 --> 04:41:30.990
120 Broadway Hearing Room: Thank you for justifying.

2422
04:41:32.160 --> 04:41:35.880
120 Broadway Hearing Room: Our next speaker will be MAC sayer to be followed up by Johnny Thornton.

2423
04:42:11.040 --> 04:42:13.230

PH07 - 47 - O - Mac Thayer - 1504****652: hi can you hear me welcome.

2424
04:42:15.090 --> 04:42:20.040
PH07 - 47 - O - Mac Thayer - 1504****652: Great Thank you thanks, very much for holding this hearing in for everybody's time.

2425
04:42:21.810 --> 04:42:29.010
PH07 - 47 - O - Mac Thayer - 1504****652: i'm back there I represent go honest lands org it's a small open space advocacy group and go on us and we advocate for open space.

2426
04:42:29.490 --> 04:42:38.280
PH07 - 47 - O - Mac Thayer - 1504****652: on behalf of go on us residents were a small group, we have about 1200 local numbers on our mailing list and provide regular updates and communication to our Members.

2427
04:42:39.150 --> 04:42:46.230
PH07 - 47 - O - Mac Thayer - 1504****652: We just like to flag the issue of open space there's currently a very low amount of open space and go on us, and especially active open space.

2428
04:42:46.530 --> 04:43:00.210
PH07 - 47 - O - Mac Thayer - 1504****652: And it appears that the current proposal would have significant adverse effects on open space I don't think there's really much debate on that point that's been flagged by several other speakers, including Council compliment lander and it's quite clearly noted in the D is.

2429
04:43:01.470 --> 04:43:11.940
PH07 - 47 - O - Mac Thayer - 1504****652: We think that over the long run it's really important that our communities have access to quality open space and especially active open space and so we'd like to ask tcp to please consider modifying the current proposal.

2430
04:43:12.300 --> 04:43:25.800
PH07 - 47 - O - Mac Thayer - 1504****652: To add more open space in Arizona area and, specifically, we would like to focus on block for seven one lot one in the glossary zone area, we think that blocks for 711 is a great.

2431
04:43:25.800 --> 04:43:32.850
PH07 - 47 - O - Mac Thayer - 1504****652: site for open space in the

Community, you know we'd also like to query whether the site may actually qualifies implied in school parkland.

2432
04:43:33.360 --> 04:43:40.260
PH07 - 47 - O - Mac Thayer - 1504****652: Under New York State law to do prior city planning Commission actions dating back to 1974.

2433
04:43:41.250 --> 04:43:55.740
PH07 - 47 - O - Mac Thayer - 1504****652: And belatedly if if any alternative land use actions for block for 71 on under the resulting proposal would require New York state legislative approval prior to municipal approval under the New York state park band alienation law.

2434
04:43:56.790 --> 04:44:04.650
PH07 - 47 - O - Mac Thayer - 1504****652: So we'd like to make a request at this hearing for clarification on that issue from tcp if at all possible, thank you.

2435
04:44:06.390 --> 04:44:06.870
PH07 - 47 - O - Mac Thayer - 1504****652: Thank you.

2436
04:44:07.020 --> 04:44:08.280
120 Broadway Hearing Room: question for Mr Taylor.

2437
04:44:10.380 --> 04:44:11.400
PH07 - 47 - O - Mac Thayer - 1504****652: Thanks for testifying.

2438
04:44:12.540 --> 04:44:16.440
120 Broadway Hearing Room: Our next speaker will be Johnny Thornton followed by Karen blondeau.

2439
04:44:34.470 --> 04:44:36.180
120 Broadway Hearing Room: Mr Thornton is no longer in the room.

2440
04:44:38.790 --> 04:44:48.540
120 Broadway Hearing Room: Okay, well before calling on this blondeau I want to note that we're getting near the end of the public hearing on this matter.

2441
04:44:49.080 --> 04:45:10.920

120 Broadway Hearing Room: And so, if you haven't registered to speak but have decided during the course of this hearing that you would like to now would be an opportunity to register and you can find instructions on how to register, whether online or via the phone@www.nyc.gov slash nyc engage.

2442
04:45:13.350 --> 04:45:15.900
120 Broadway Hearing Room: And with that we will ask miss londo.

2443
04:45:27.900 --> 04:45:40.140
PH07 - 49 - O - Karen Blondell - 1718****070: Good afternoon, everybody, my name is Cameron blonde ale i'm a red hook resident I worked at the fifth avenue committee starting back in 2016 as the.

2444
04:45:40.830 --> 04:45:48.930
PH07 - 49 - O - Karen Blondell - 1718****070: Environmental justice organizer for turning the tide environmental group we came became very involved and we created.

2445
04:45:49.680 --> 04:45:57.780
PH07 - 49 - O - Karen Blondell - 1718****070: The goal on his neighborhood coalition for justice, that being represented here in numbers today and I appreciate each member.

2446
04:45:58.050 --> 04:46:06.030
PH07 - 49 - O - Karen Blondell - 1718****070: That does not mean that we all agree on a strategy, but we did come to consensus about what our demand were and what was important to us.

2447
04:46:06.360 --> 04:46:18.960
PH07 - 49 - O - Karen Blondell - 1718****070: So number one is to fully fund local public housing, that would be go on as houses and wyclef gardens, the second demand was about no additional combined to overflow in the canal.

2448
04:46:19.740 --> 04:46:29.460
PH07 - 49 - O - Karen Blondell - 1718****070: As nydia velazquez stated, I agree, and trust my congresswoman That is my congresswoman and I trust her tremendously and.

2449
04:46:29.910 --> 04:46:49.050
PH07 - 49 - O - Karen Blondell - 1718****070: She brought up issues about

these two infrastructure, the rain bond or part of know combined to overflow in the canal, we also spoke for years about no additional sewage in the Lorraine bond system we test the travel through red hook and and then back up to the brooklyn navy yard.

2450
04:46:49.590 --> 04:46:51.000
PH07 - 49 - O - Karen Blondell - 1718****070: It is about environmental.

2451
04:46:51.060 --> 04:46:52.440
PH07 - 49 - O - Karen Blondell - 1718****070: Justice, we are now.

2452
04:46:52.800 --> 04:46:55.740
PH07 - 49 - O - Karen Blondell - 1718****070: Doing remediation 12 years or.

2453
04:46:55.770 --> 04:47:03.540
PH07 - 49 - O - Karen Blondell - 1718****070: Eight years after hurricane sandy in red hook, on top of those sewers there are now five last mouth trucking.

2454
04:47:04.860 --> 04:47:07.890
PH07 - 49 - O - Karen Blondell - 1718****070: warehouses in red hook, that will be riding on top.

2455
04:47:07.890 --> 04:47:16.020
PH07 - 49 - O - Karen Blondell - 1718****070: Of that, to align that is very important to us as a supportive go on his neighborhood coalition for justice that that.

2456
04:47:16.530 --> 04:47:35.790
PH07 - 49 - O - Karen Blondell - 1718****070: drain it study and the EPA and everybody chimes in what I thought was very unique today city council was that the developer, we run a tape back spoke about how he has a relationship with EPA, on the other end the public it's.

2457
04:47:35.850 --> 04:47:51.390
PH07 - 49 - O - Karen Blondell - 1718****070: still looking for EPA, as well as our congresswoman to chime in and take responsibility, we need responsibility from the city state and federal government in regards to this rezoning because it is waterfront.

2458

04:47:51.600 --> 04:47:59.760
PH07 - 49 - O - Karen Blondell - 1718****070: Because it's in a flood zone, because they are brownfield and other things that can harm humans, and it is the EPA job.

2459
04:48:00.150 --> 04:48:07.110
PH07 - 49 - O - Karen Blondell - 1718****070: To protect humans and life in the United States, so I beseech you to.

2460
04:48:07.440 --> 04:48:19.410
PH07 - 49 - O - Karen Blondell - 1718****070: i'm not against anybody zoning because I also know with buyers and everything happening around the world, we have a finite amount of space for people to live on, but it is very important that the task force.

2461
04:48:19.980 --> 04:48:34.410
PH07 - 49 - O - Karen Blondell - 1718****070: From the Community has it has some kind of enforcement value where me and the rest of our organizations and and residents can keep the momentum the things going.

2462
04:48:35.760 --> 04:48:40.230
PH07 - 49 - O - Karen Blondell - 1718****070: From the government, thank you, thank you, thank you, Miss Blanca questions.

2463
04:48:41.550 --> 04:48:42.960
120 Broadway Hearing Room: Again, thank you for testifying.

2464
04:48:44.190 --> 04:48:45.390
120 Broadway Hearing Room: Our next speaker is.

2465
04:48:47.460 --> 04:48:51.120
120 Broadway Hearing Room: Our next speaker is Charlie Sam boy who will be followed by William Thomas.

2466
04:48:56.550 --> 04:48:58.470
120 Broadway Hearing Room: Mr Sam boyd no longer in the zoom.

2467
04:48:59.700 --> 04:49:04.410
120 Broadway Hearing Room: Okay, then we'll welcome William Thomas to be followed by Austin fell upon.

2468
04:49:07.890 --> 04:49:18.900
120 Broadway Hearing Room: Hello everyone, my name is William Thomas i'm here to support the rezoning of go on us as the Executive Director of open New York, an independent grassroots pro housing organization.

2469
04:49:19.500 --> 04:49:25.350
120 Broadway Hearing Room: Allowing more homes, there will help to alleviate new york's housing shortage and help to fight displacement and other neighborhoods.

2470
04:49:26.130 --> 04:49:32.130
120 Broadway Hearing Room: city planning surely knows that New York has a terrible housing shortage, but let me throw out some numbers to remind everyone how bad it is.

2471
04:49:32.520 --> 04:49:41.040
120 Broadway Hearing Room: Between 2010 and 2017 median rents increased by more than doubled median wages homelessness has reached the highest level, since the Great Depression.

2472
04:49:41.670 --> 04:49:48.150
120 Broadway Hearing Room: Pre covert one out of every 10 elementary school students in New York City public schools attended from homeless shelters.

2473
04:49:48.480 --> 04:49:56.940
120 Broadway Hearing Room: So right now post pandemic, we need all the affordable housing, we can get and it's thousands of below market homes that this rezoning offers are a great place to start.

2474
04:49:57.330 --> 04:50:04.980
120 Broadway Hearing Room: On the subject, though I also hope the CPC can recommend a Community preference be expanded beyond go honest, so the rezoning will help the force for integration.

2475
04:50:05.820 --> 04:50:12.180
120 Broadway Hearing Room: In addition, the 5000 market rate homes this rezoning will allow will also helped by preventing displacement and other neighborhoods.

2476
04:50:12.570 --> 04:50:18.120

120 Broadway Hearing Room: The median household income of the rezoning area as well over six figures go on, this is a very desirable neighborhood.

2477
04:50:18.360 --> 04:50:27.480
120 Broadway Hearing Room: And we'd likely be many families first choice, but if the wealthy can't find new places to live here, they will simply bit up the price existing housing until they can move into an existing place on the market.

2478
04:50:27.900 --> 04:50:34.830
120 Broadway Hearing Room: The families who would otherwise lived in those homes once said move to more affordable neighborhoods and as displaced demand increases up goes the red.

2479
04:50:35.130 --> 04:50:41.160
120 Broadway Hearing Room: Forcing current tenants to allocate every larger shares their income to stay in their homes and knocking those who can't pay to the street.

2480
04:50:41.640 --> 04:50:50.040
120 Broadway Hearing Room: If we don't let young professionals live there, they won't disappear they're going to further displacement pressures deeper in brooklyn in places like sense that are flatbush and midwood.

2481
04:50:51.000 --> 04:51:01.980
120 Broadway Hearing Room: Lastly, as in before the city's planning Commission, I would like to have a CPC recommend that all parking memos be removed from the proposal is well known fact that parking minimum significantly raise housing costs.

2482
04:51:02.400 --> 04:51:08.850
120 Broadway Hearing Room: and go on this as a transit rich neighborhood where the subways or substantially under capacity, compared to the city as a whole.

2483
04:51:09.450 --> 04:51:17.190
120 Broadway Hearing Room: This is where i'd love to see city planning shine if places like San Francisco and buffalo can manage without parking mandate city wide.

2484

04:51:17.700 --> 04:51:30.570
120 Broadway Hearing Room: Surely here and go honest, we tend as well, in summary, or housing crisis is immense and I would ask the planning commission to prioritize solution centering it, and especially over anyone's aesthetic concerns Thank you.

2485
04:51:32.310 --> 04:51:34.350
120 Broadway Hearing Room: Thank you, questions for Mr Thomas.

2486
04:51:36.090 --> 04:51:36.870
Thank you for coming.

2487
04:51:37.920 --> 04:51:42.480
120 Broadway Hearing Room: next speaker will be August celadon followed by amy mockney.

2488
04:51:45.510 --> 04:51:53.700
120 Broadway Hearing Room: Okay, hear me, yes, welcome my name is officer allison and I am an nyu students studying urban design.

2489
04:51:55.980 --> 04:52:04.140
120 Broadway Hearing Room: don't I don't think I have to reiterate that we're in a housing crisis, but I think it's worth noting that we certainly aren't building like we were in one.

2490
04:52:04.830 --> 04:52:12.270
120 Broadway Hearing Room: were in the past decade we built less housing than we did during the Great Depression I don't think it's really something that we should be fond of.

2491
04:52:12.720 --> 04:52:21.360
120 Broadway Hearing Room: That, in one of the worst economic state stances in American history we somehow were able to crank out more housing than we did in the last decade, even before the pandemic.

2492
04:52:23.010 --> 04:52:34.290
120 Broadway Hearing Room: Just because, just because of its attractiveness guana is a prime area for new development, but unfortunately we haven't seen much housing they're built because of zoning.

2493

04:52:34.800 --> 04:52:46.560
120 Broadway Hearing Room: And the but that demand does not to simply disappear, even though the housing supply does not follow it just gets pushed upwards to crown heights Bedford stuyvesant bushwick and other neighborhoods that can't really.

2494
04:52:47.340 --> 04:52:55.740
120 Broadway Hearing Room: can't really bear the load of new housing and that pushes up a rent for everyone, because of the lack of supply and the continued influx of demand.

2495
04:52:56.880 --> 04:53:03.900
120 Broadway Hearing Room: 3000 affordable units anywhere would be something to be praiseworthy of but especially in an area with go on is that has six figure rents.

2496
04:53:04.500 --> 04:53:12.540
120 Broadway Hearing Room: Sorry six figure incomes and is almost two thirds white is something that we should be all embraced and something that we cannot pass up an opportunity like this.

2497
04:53:13.380 --> 04:53:17.790
120 Broadway Hearing Room: This rezoning should also be presented as a model of sorts produce similar rezoning and somewhere neighborhoods.

2498
04:53:18.330 --> 04:53:23.490
120 Broadway Hearing Room: This and so hope isn't a major shift in the city's attitude towards targeting the development and wealthier neighborhoods.

2499
04:53:24.330 --> 04:53:31.920
120 Broadway Hearing Room: And it is very welcome shift that must continue, I often don't like to invoke something like precedent, because President is oftentimes a sticky form of justification.

2500
04:53:32.580 --> 04:53:40.560
120 Broadway Hearing Room: But I think here we can present an exception and say that this is something that it worked and we did this right, and this is an opportunity that we must pursue further Thank you.

2501
04:53:41.880 --> 04:53:44.370
120 Broadway Hearing Room: Thank you, questions from the facilitator.

2502
04:53:45.780 --> 04:53:47.190
120 Broadway Hearing Room: Thank you for taking the time to come.

2503
04:53:48.480 --> 04:53:51.840
120 Broadway Hearing Room: Our next speaker will be me MOPs me to be followed by Luke already.

2504
04:53:53.970 --> 04:54:00.120
120 Broadway Hearing Room: Hello Good afternoon, my name is amy mazzone and i'm watershed senior planner for the GLONASS calc uncertainty.

2505
04:54:00.840 --> 04:54:08.910
120 Broadway Hearing Room: As mentioned earlier, we are proud member of the GLONASS neighborhood coalition for justice and we will not support this rezoning unless our top three demands are met.

2506
04:54:09.450 --> 04:54:20.310
120 Broadway Hearing Room: Once again that's full capital funding for local nighter developments net zero CSO and the creation of a task for civil the city and all parties accountable for commitments made through the rezoning process.

2507
04:54:21.300 --> 04:54:30.660
120 Broadway Hearing Room: Today I went to discuss a need for the city to make clear commitments for investment in neighborhood infrastructure that will improve water quality in the gowanus canal and reduce neighborhood flooding.

2508
04:54:31.620 --> 04:54:35.640
120 Broadway Hearing Room: Combined sewage overflow is the greatest source of ongoing pollution to the gowanus Canal.

2509
04:54:36.180 --> 04:54:43.980
120 Broadway Hearing Room: The overloaded sewer system currently discharges about 360 million gallons of raw sewage and polluted run off to the canal each year.

2510
04:54:44.730 --> 04:54:50.040
120 Broadway Hearing Room: To ensure new development does not increase pollution, we demand a net zero CSR rezoning.

2511
04:54:50.970 --> 04:55:00.630
120 Broadway Hearing Room: The environmental impact statement shows an outcome that is better than net zero reducing CSO by 5 million gallons per year with the forthcoming unified stormwater rule in place.

2512
04:55:01.470 --> 04:55:14.760
120 Broadway Hearing Room: absent this new rule, the city can see that CFO would actually increased by 3 million gallons a year to ensure that our demand is met the new rule must be, in effect, prior to the first sight sewer connection in the rezoning area.

2513
04:55:17.250 --> 04:55:20.520
120 Broadway Hearing Room: And the city must provide transparent reporting on implementation.

2514
04:55:21.240 --> 04:55:31.320
120 Broadway Hearing Room: The impact statement shows a projection based on the reasonable worst case development scenario, but these numbers are often severely underestimated and we need to see the reality as it plays out on the ground.

2515
04:55:32.070 --> 04:55:44.490
120 Broadway Hearing Room: As new buildings are constructed constructed, the Community must have access to reporting that proves new development does not add pollution or worse than flooding through a Community based Task Force apples, the city and developers accountable.

2516
04:55:45.720 --> 04:55:55.470
120 Broadway Hearing Room: Finally, the city most anticipated impacts of climate change and acknowledge existing limitations of the sewer system through clear commitment for infrastructure that will address capacity issues.

2517
04:55:56.400 --> 04:56:02.250
120 Broadway Hearing Room: The sewer model and the is is a step towards the local flood resiliency study that the Community has been asking for for years.

2518
04:56:02.640 --> 04:56:10.020
120 Broadway Hearing Room: But the city must commit to further developing this to identify critical infrastructure needs, including upgrades of the

bomb the rain sewer line.

2519
04:56:10.530 --> 04:56:18.960
120 Broadway Hearing Room: increasing volume capture at the csos facility at the fault lot additional sewer separation projects and more green infrastructure throughout the watershed.

2520
04:56:19.770 --> 04:56:30.420
120 Broadway Hearing Room: Recent city wide plans that address in men and coastal flooding have identified go on us as an area ripe for targeted infrastructure investment that would address deep and contiguous inland flooding.

2521
04:56:31.110 --> 04:56:43.830
120 Broadway Hearing Room: Now is the time to put these plans into action and follow through on commitments, we will be following up with written comments and you stand with the coalition and the community of fight for a more justin green neighborhood for all, thank you very much thank you.

2522
04:56:44.970 --> 04:56:46.200
120 Broadway Hearing Room: Questions for me.

2523
04:56:47.430 --> 04:56:54.840
120 Broadway Hearing Room: We will go to write comments, thank you, our next speaker will be local already followed by Marcos they asked Gonzalez.

2524
04:56:59.070 --> 04:57:00.090
x PH07 - 45 - F - Luke Loreti: Hello good afternoon.

2525
04:57:01.410 --> 04:57:03.540
x PH07 - 45 - F - Luke Loreti: Welcome again today, as a member.

2526
04:57:03.600 --> 04:57:04.260
x PH07 - 45 - F - Luke Loreti: Of the public.

2527
04:57:04.320 --> 04:57:11.490
x PH07 - 45 - F - Luke Loreti: And a brooklyn neighbor i'm strongly in support of this rezoning as it introduces much needed housing, especially affordable housing.

2528
04:57:11.550 --> 04:57:12.210
x PH07 - 45 - F - Luke Loreti: To our city.

2529
04:57:13.530 --> 04:57:14.730
x PH07 - 45 - F - Luke Loreti: But today I want to focus.

2530
04:57:15.060 --> 04:57:18.030
x PH07 - 45 - F - Luke Loreti: Specifically on the proposals parking requirements.

2531
04:57:19.110 --> 04:57:28.470
x PH07 - 45 - F - Luke Loreti: The proponents should be recognized for already once lowering the requirements, as I understand it, but I call them the requirement parking requirements to be lowered further.

2532
04:57:28.530 --> 04:57:29.760
or ideally eliminated.

2533
04:57:32.850 --> 04:57:33.330
x PH07 - 45 - F - Luke Loreti: First.

2534
04:57:33.450 --> 04:57:35.730
x PH07 - 45 - F - Luke Loreti: This will make it easier to construct.

2535
04:57:35.730 --> 04:57:36.720
x PH07 - 45 - F - Luke Loreti: affordable housing.

2536
04:57:38.040 --> 04:57:39.750
x PH07 - 45 - F - Luke Loreti: New York City has the highest parking.

2537
04:57:39.780 --> 04:57:44.430
x PH07 - 45 - F - Luke Loreti: construction costs in the country with each space costing nearly $30,000.

2538
04:57:44.970 --> 04:57:46.590
x PH07 - 45 - F - Luke Loreti: Eliminating eliminating parking.

2539
04:57:46.890 --> 04:57:57.060

x PH07 - 45 - F - Luke Loreti: makes it easier to build out a deeper levels of affordability, second, as you probably read in the news June 21 was the hottest June in our country's history.

2540
04:57:57.960 --> 04:57:59.640
x PH07 - 45 - F - Luke Loreti: Yes, we are transitioning to electric.

2541
04:57:59.640 --> 04:58:03.150
x PH07 - 45 - F - Luke Loreti: vehicles, but our electric grid is of course not 100% renewable.

2542
04:58:03.210 --> 04:58:07.950
x PH07 - 45 - F - Luke Loreti: renewable and the manufacturing of any vehicle obviously results in considerable.

2543
04:58:07.950 --> 04:58:12.390
x PH07 - 45 - F - Luke Loreti: Emissions of transportation is always more sustainable by a wide margin.

2544
04:58:12.390 --> 04:58:13.770
x PH07 - 45 - F - Luke Loreti: And this side presents.

2545
04:58:14.100 --> 04:58:16.740
x PH07 - 45 - F - Luke Loreti: Fantastic help transportation opportunities.

2546
04:58:17.760 --> 04:58:26.190
x PH07 - 45 - F - Luke Loreti: And then New York city's Vision Zero goal is faltering, the first four months of 2021 where the deadliest.

2547
04:58:26.220 --> 04:58:27.930
120 Broadway Hearing Room: In terms of traffic deaths since.

2548
04:58:27.930 --> 04:58:31.950
x PH07 - 45 - F - Luke Loreti: 2014 more cars on our streets only worsens this.

2549
04:58:31.980 --> 04:58:32.490
problem.

2550
04:58:33.540 --> 04:58:38.220
x PH07 - 45 - F - Luke Loreti: In these ways parking requirements from counter to our cities long term goals.

2551
04:58:38.280 --> 04:58:40.560
x PH07 - 45 - F - Luke Loreti: And should be reduced or ideally eliminated.

2552
04:58:40.830 --> 04:58:41.220
x PH07 - 45 - F - Luke Loreti: Thank you.

2553
04:58:44.460 --> 04:58:46.380
120 Broadway Hearing Room: Thank you, questions from Mr already.

2554
04:58:48.060 --> 04:58:54.330
120 Broadway Hearing Room: Thank you for testifying our next speaker will be meticulous vs causality followed by Margaret Margaret.

2555
04:59:00.240 --> 04:59:00.930
120 Broadway Hearing Room: Good afternoon.

2556
04:59:01.560 --> 04:59:10.020
PH07 - 51 - F - Marcos Diaz Gonzalez: Madam chair and members of the Commission, my name is medicals the console is, I am a volunteer and the board vice, Chair of the galanos cannot conservancy.

2557
04:59:10.950 --> 04:59:12.480
120 Broadway Hearing Room: We are a proud member of the galanos.

2558
04:59:12.480 --> 04:59:18.000
PH07 - 51 - F - Marcos Diaz Gonzalez: neighborhood coalition for justice and we will not support the rezoning unless our top three demands are met.

2559
04:59:19.500 --> 04:59:25.230
PH07 - 51 - F - Marcos Diaz Gonzalez: as it relates to housing justice full capital funding for local nature developments.

2560
04:59:25.350 --> 04:59:27.120

PH07 - 51 - F - Marcos Diaz Gonzalez: as it relates to environmental.

2561
04:59:27.120 --> 04:59:37.080
PH07 - 51 - F - Marcos Diaz Gonzalez: Justice true net zero csl and then, as it relates to just plain common sense, the creation of a task force to hold the city.

2562
04:59:37.380 --> 04:59:43.410
PH07 - 51 - F - Marcos Diaz Gonzalez: And all parties accountable for commitments made throughout the rezoning process and I will specifically like to talk about.

2563
04:59:43.800 --> 04:59:58.830
PH07 - 51 - F - Marcos Diaz Gonzalez: The creation of open space, because one of the biggest challenges that I think and many speakers have talked to to these fact is that these rezoning will not necessarily result as a as a ratio in more open space per resident.

2564
05:00:00.420 --> 05:00:02.220
PH07 - 51 - F - Marcos Diaz Gonzalez: like to just mentioned, and I.

2565
05:00:03.450 --> 05:00:04.950
PH07 - 51 - F - Marcos Diaz Gonzalez: This is, this is a fact that.

2566
05:00:05.250 --> 05:00:06.150
120 Broadway Hearing Room: Once the.

2567
05:00:06.210 --> 05:00:07.680
PH07 - 51 - F - Marcos Diaz Gonzalez: full potential of the rezoning is.

2568
05:00:07.680 --> 05:00:08.190
achieved.

2569
05:00:09.390 --> 05:00:19.020
PH07 - 51 - F - Marcos Diaz Gonzalez: That will be the equivalent open space for every thousand residents will be somewhere between you can imagine the equivalent surface of to basketball courts.

2570
05:00:19.470 --> 05:00:24.180
PH07 - 51 - F - Marcos Diaz Gonzalez: that's just the playing field of

two basketball courts between two and three basketball courts so.

2571
05:00:24.780 --> 05:00:33.840
PH07 - 51 - F - Marcos Diaz Gonzalez: Think about you know epidemic think about kids trying to use open space, think about the full residents the full new population in this new rezoned.

2572
05:00:34.770 --> 05:00:42.870
PH07 - 51 - F - Marcos Diaz Gonzalez: neighborhood and try to imagine 1000 people trying to enjoy open space and something that is about the size of two or three.

2573
05:00:43.500 --> 05:00:50.430
PH07 - 51 - F - Marcos Diaz Gonzalez: basketball courts so we would really like to stress that the city Moscow made in the points of agreement.

2574
05:00:50.880 --> 05:01:05.400
PH07 - 51 - F - Marcos Diaz Gonzalez: To creating and supporting the creation of more open space in the immediate neighborhood as well as investing and existing open spaces and that's that's the challenge be creative allow for school areas of schoolyards to be.

2575
05:01:05.430 --> 05:01:10.080
PH07 - 51 - F - Marcos Diaz Gonzalez: used by the Community, but create fundamentally create.

2576
05:01:10.410 --> 05:01:16.380
PH07 - 51 - F - Marcos Diaz Gonzalez: A permanent funding stream for the maintenance and the programming of this cares.

2577
05:01:16.680 --> 05:01:17.580
120 Broadway Hearing Room: public space.

2578
05:01:17.640 --> 05:01:18.840
PH07 - 51 - F - Marcos Diaz Gonzalez: That we will have in the neighborhood.

2579
05:01:19.200 --> 05:01:19.920
PH07 - 51 - F - Marcos Diaz Gonzalez: In the future.

2580
05:01:20.850 --> 05:01:21.420
120 Broadway Hearing Room: But i'm chair.

2581
05:01:21.450 --> 05:01:25.080
PH07 - 51 - F - Marcos Diaz Gonzalez: Members of the commission's, thank you for allowing me to provide my testimony.

2582
05:01:25.110 --> 05:01:26.820
PH07 - 51 - F - Marcos Diaz Gonzalez: And I yield the rest of my time, thank you.

2583
05:01:27.990 --> 05:01:29.040
120 Broadway Hearing Room: Thank you we'll take.

2584
05:01:30.510 --> 05:01:32.190
120 Broadway Hearing Room: questions for Mr Dale skull and.

2585
05:01:34.170 --> 05:01:34.890
120 Broadway Hearing Room: Again, thank you.

2586
05:01:36.990 --> 05:01:41.310
120 Broadway Hearing Room: Our next speaker will be Margaret mcginest followed by Daniel kaplan.

2587
05:01:52.590 --> 05:02:05.220
120 Broadway Hearing Room: Margaret had signed just signed up so she might still be logging in we'll we'll keep an eye out for her great, then we will move to Daniel caplin followed by Nathan hoboken.

2588
05:02:23.130 --> 05:02:23.940
120 Broadway Hearing Room: Mr kaplan had a.

2589
05:02:25.080 --> 05:02:29.340
120 Broadway Hearing Room: long time, so it looks like we've lost him, I will reach out again okay.

2590
05:02:30.450 --> 05:02:34.020
120 Broadway Hearing Room: And then we will go to.

2591
05:02:35.460 --> 05:02:36.540
120 Broadway Hearing Room: Take the coolest.

2592
05:02:41.160 --> 05:02:42.750
120 Broadway Hearing Room: followed by Nathan elbow gun.

2593
05:02:54.000 --> 05:03:00.750
120 Broadway Hearing Room: Margaret is back okay so then let's skip the order and go right to Margaret mcginnis welcome.

2594
05:03:14.670 --> 05:03:15.060
120 Broadway Hearing Room: There we go.

2595
05:03:16.410 --> 05:03:18.120
x PH07 - 52 - O - Margaret Maugenest: Hello good morning.

2596
05:03:18.150 --> 05:03:21.630
x PH07 - 52 - O - Margaret Maugenest: or good afternoon I didn't initially plan to.

2597
05:03:22.500 --> 05:03:35.040
x PH07 - 52 - O - Margaret Maugenest: to testify today, but I did listen a little bit i'm here taking care of a 93 year old mother so forgive me i'm not i'm just doing this very impromptu i'm calling in because i'm.

2598
05:03:35.040 --> 05:03:37.350
x PH07 - 52 - O - Margaret Maugenest: very concerned there wasn't environmental.

2599
05:03:38.010 --> 05:03:40.080
x PH07 - 52 - O - Margaret Maugenest: person earlier in the day.

2600
05:03:40.110 --> 05:03:42.060
x PH07 - 52 - O - Margaret Maugenest: who worked for an environmental company.

2601
05:03:42.390 --> 05:03:44.520
x PH07 - 52 - O - Margaret Maugenest: And he made a very broad statement which.

2602
05:03:44.520 --> 05:03:44.850
120 Broadway Hearing Room: Is.

2603
05:03:45.840 --> 05:03:46.950
120 Broadway Hearing Room: Good me for saying this and.

2604
05:03:46.980 --> 05:03:48.030
x PH07 - 52 - O - Margaret Maugenest: outright lie.

2605
05:03:49.020 --> 05:03:50.070
x PH07 - 52 - O - Margaret Maugenest: He said that there were.

2606
05:03:50.070 --> 05:03:53.760
x PH07 - 52 - O - Margaret Maugenest: Many examples of former mtp sites which.

2607
05:03:53.760 --> 05:03:55.680
x PH07 - 52 - O - Margaret Maugenest: had been remediated.

2608
05:03:57.060 --> 05:03:59.970
120 Broadway Hearing Room: To be satisfactory for living well.

2609
05:04:00.120 --> 05:04:10.920
x PH07 - 52 - O - Margaret Maugenest: that's not true on the reason I know that's not true because i'm part of the keg, which is the EPA a Community advisory group and go on us and we did have someone from the Dec.

2610
05:04:11.220 --> 05:04:12.420
x PH07 - 52 - O - Margaret Maugenest: come in and.

2611
05:04:13.200 --> 05:04:17.340
x PH07 - 52 - O - Margaret Maugenest: say you know say how they were want to remediate it this this.

2612
05:04:18.360 --> 05:04:23.490
x PH07 - 52 - O - Margaret Maugenest: Public place site and when when I asked him what examples, do you have.

2613
05:04:23.520 --> 05:04:26.610
x PH07 - 52 - O - Margaret Maugenest: of remediation that was successful for.

2614
05:04:26.670 --> 05:04:30.030
x PH07 - 52 - O - Margaret Maugenest: residential living and they also wanted to put a school there, by the way.

2615
05:04:30.540 --> 05:04:31.920
x PH07 - 52 - O - Margaret Maugenest: And he gave me some.

2616
05:04:32.160 --> 05:04:33.630
x PH07 - 52 - O - Margaret Maugenest: addresses upstate.

2617
05:04:33.960 --> 05:04:39.330
x PH07 - 52 - O - Margaret Maugenest: I looked everything up there was nothing I could find the only thing that you could say might be comparable would be the.

2618
05:04:40.500 --> 05:04:41.760
x PH07 - 52 - O - Margaret Maugenest: Peter stuyvesant Cooper.

2619
05:04:41.760 --> 05:04:44.520
x PH07 - 52 - O - Margaret Maugenest: village in Manhattan, which was a former NTP site.

2620
05:04:44.760 --> 05:04:53.490
x PH07 - 52 - O - Margaret Maugenest: They are now having issues they have recovery, while wells, this was something that was turned into residential many decades ago before EPA came in.

2621
05:04:54.780 --> 05:04:55.920
x PH07 - 52 - O - Margaret Maugenest: We are talking.

2622
05:04:55.920 --> 05:04:57.540
x PH07 - 52 - O - Margaret Maugenest: About arguably the most.

2623
05:04:57.600 --> 05:05:01.110

x PH07 - 52 - O - Margaret Maugenest: polluted land in New York state that's not an overstatement.

2624
05:05:02.190 --> 05:05:06.570
x PH07 - 52 - O - Margaret Maugenest: And we are talking about coal tar to the depths of 150 feet down.

2625
05:05:07.470 --> 05:05:10.350
x PH07 - 52 - O - Margaret Maugenest: we're talking about vapor intrusion into.

2626
05:05:10.560 --> 05:05:11.250
x PH07 - 52 - O - Margaret Maugenest: buildings.

2627
05:05:11.280 --> 05:05:12.690
x PH07 - 52 - O - Margaret Maugenest: If you are going to densely.

2628
05:05:12.720 --> 05:05:14.400
x PH07 - 52 - O - Margaret Maugenest: populate this this land.

2629
05:05:14.880 --> 05:05:29.520
x PH07 - 52 - O - Margaret Maugenest: The only safe way to to deal with this land is to keep it open because it's going to need, and this is also a fact it's going to need oversight in perpetuity because they're going to have to see what's happening they're going to have to gauge.

2630
05:05:29.670 --> 05:05:31.470
x PH07 - 52 - O - Margaret Maugenest: If there's further remediation needed.

2631
05:05:31.890 --> 05:05:32.550
x PH07 - 52 - O - Margaret Maugenest: So.

2632
05:05:33.270 --> 05:05:34.740
x PH07 - 52 - O - Margaret Maugenest: These examples, he gave you.

2633
05:05:34.770 --> 05:05:40.380
x PH07 - 52 - O - Margaret Maugenest: This this man who testified please look them up, please verify them, and please compare apples to.

2634
05:05:40.380 --> 05:05:42.600
x PH07 - 52 - O - Margaret Maugenest: Apples Okay, thank you very much.

2635
05:05:44.400 --> 05:05:50.010
120 Broadway Hearing Room: Thank you for taking time from your elder care duties to testify much appreciated question from an organist.

2636
05:05:51.450 --> 05:05:52.200
120 Broadway Hearing Room: Again, thank you.

2637
05:05:54.240 --> 05:05:55.680
x PH07 - 52 - O - Margaret Maugenest: And so we will go now.

2638
05:05:55.740 --> 05:05:57.300
120 Broadway Hearing Room: To page so clueless.

2639
05:06:01.230 --> 05:06:05.640
120 Broadway Hearing Room: Mr coulis has not dialed in yet she's done.

2640
05:06:08.640 --> 05:06:12.780
120 Broadway Hearing Room: Okay, then we will move on to Nathan elbow gun.

2641
05:06:28.830 --> 05:06:30.120
120 Broadway Hearing Room: we're getting him promoted he.

2642
05:06:31.170 --> 05:06:31.350
120 Broadway Hearing Room: got.

2643
05:06:37.170 --> 05:06:37.620
PH07 - 53 - F - nathan elbogen: Hello.

2644
05:06:39.030 --> 05:06:39.480
PH07 - 53 - F - nathan elbogen: Welcome

2645
05:06:46.620 --> 05:06:47.790
120 Broadway Hearing Room: i'm afraid we're not hearing you.

2646
05:06:48.060 --> 05:06:48.600
Hello.

2647
05:06:49.650 --> 05:06:50.670
120 Broadway Hearing Room: Yes, welcome 30.

2648
05:06:51.660 --> 05:06:54.000
PH07 - 53 - F - nathan elbogen: Tonight be heard, yes please.

2649
05:06:54.090 --> 05:06:55.410
120 Broadway Hearing Room: And please restart the clock.

2650
05:06:56.040 --> 05:07:02.250
PH07 - 53 - F - nathan elbogen: Good afternoon, my name is Nathan elbow and executive director of the old American can factory and its ownership.

2651
05:07:02.430 --> 05:07:04.230
120 Broadway Hearing Room: and President of exo projects.

2652
05:07:04.560 --> 05:07:11.700
PH07 - 53 - F - nathan elbogen: That can factories developer, for more than three decades the cam factory 130,000 square foot to start complex.

2653
05:07:12.150 --> 05:07:23.340
PH07 - 53 - F - nathan elbogen: The corner third avenue 13 ago oneness has served as a vital asset to the oneness industrial and cultural community, it is home to more than 100 commercial units with nearly 300.

2654
05:07:23.340 --> 05:07:25.920
PH07 - 53 - F - nathan elbogen: Individual artists and artisans working in the.

2655
05:07:25.920 --> 05:07:31.410
PH07 - 53 - F - nathan elbogen: creative industries and for nonprofit organizations three of the original buildings on the site.

2656
05:07:31.470 --> 05:07:40.500
PH07 - 53 - F - nathan elbogen: were recently landmark with our support, long before they go on us rezone process began the can factory was and

remains at the very least a paragon.

2657
05:07:40.890 --> 05:07:46.140
PH07 - 53 - F - nathan elbogen: Of dough honest mix uses for decades exit projects has been civically engaged in industrial.

2658
05:07:46.170 --> 05:07:47.220
PH07 - 53 - F - nathan elbogen: Cultural policy.

2659
05:07:47.550 --> 05:07:50.670
PH07 - 53 - F - nathan elbogen: and related subject matters advocating for the retention and.

2660
05:07:50.670 --> 05:07:51.420
PH07 - 53 - F - nathan elbogen: expansion.

2661
05:07:51.750 --> 05:08:01.590
PH07 - 53 - F - nathan elbogen: of mixed use neighborhoods and buildings and include light industrial uses arts and cultural uses and importantly work live artists, housing, especially for aging oregon's.

2662
05:08:02.910 --> 05:08:04.710
PH07 - 53 - F - nathan elbogen: More than five years ago they can't factory.

2663
05:08:04.710 --> 05:08:07.080
PH07 - 53 - F - nathan elbogen: presented an expansion plan for its site.

2664
05:08:07.380 --> 05:08:09.720
PH07 - 53 - F - nathan elbogen: That would increase the amount of cultural civic space.

2665
05:08:10.110 --> 05:08:11.820
120 Broadway Hearing Room: More workspace and more so build a.

2666
05:08:11.820 --> 05:08:13.710
PH07 - 53 - F - nathan elbogen: substantial number of work of units.

2667
05:08:14.010 --> 05:08:16.200

PH07 - 53 - F - nathan elbogen: With a percentage dedicated to aging.

2668
05:08:16.350 --> 05:08:20.370
PH07 - 53 - F - nathan elbogen: Senior artists, in addition to the affordable housing required by my.

2669
05:08:20.370 --> 05:08:23.550
PH07 - 53 - F - nathan elbogen: Age However, the current 70 proposed for the candy factory.

2670
05:08:23.550 --> 05:08:38.190
PH07 - 53 - F - nathan elbogen: site limits heights 245 feet down from the current scar exposure plane and half of the height proposed elsewhere in the one is this limitation allows only 65% of the proposed flir to be realized, making the project on.

2671
05:08:38.190 --> 05:08:38.760
120 Broadway Hearing Room: viable.

2672
05:08:39.270 --> 05:08:44.070
PH07 - 53 - F - nathan elbogen: They can factory team proposed to the CP and as of right path to resolve this limitation.

2673
05:08:44.430 --> 05:08:47.160
PH07 - 53 - F - nathan elbogen: By including a certification to be granted only.

2674
05:08:47.310 --> 05:08:50.220
PH07 - 53 - F - nathan elbogen: it's a commitment at not less than 20%.

2675
05:08:50.730 --> 05:08:51.480
120 Broadway Hearing Room: development.

2676
05:08:51.960 --> 05:08:53.700
PH07 - 53 - F - nathan elbogen: You committed to go onyx mix.

2677
05:08:54.060 --> 05:08:54.540
PH07 - 53 - F - nathan elbogen: uses.

2678

05:08:54.600 --> 05:08:55.830
120 Broadway Hearing Room: in perpetuity.

2679
05:08:55.980 --> 05:08:57.630
PH07 - 53 - F - nathan elbogen: In addition to other requirements.

2680
05:08:57.930 --> 05:09:00.270
PH07 - 53 - F - nathan elbogen: Instead, the CP proposed an authorization.

2681
05:09:00.270 --> 05:09:04.860
PH07 - 53 - F - nathan elbogen: path that wishes to provide relief, but instead adds additional punitive restrictions.

2682
05:09:05.190 --> 05:09:09.690
PH07 - 53 - F - nathan elbogen: On the mountain residential uses it can fact we have submitted detailed written.

2683
05:09:09.690 --> 05:09:11.460
PH07 - 53 - F - nathan elbogen: Testimony regarding this issue.

2684
05:09:12.000 --> 05:09:17.070
PH07 - 53 - F - nathan elbogen: To the Commissioners and I urge the Commissioners to read it and focus on.

2685
05:09:17.100 --> 05:09:18.450
120 Broadway Hearing Room: The cam factories dilemma.

2686
05:09:18.720 --> 05:09:20.460
PH07 - 53 - F - nathan elbogen: and help us find the way forward.

2687
05:09:21.300 --> 05:09:21.750
PH07 - 53 - F - nathan elbogen: Thank you.

2688
05:09:23.520 --> 05:09:25.380
120 Broadway Hearing Room: Thank you, questions for Mr pokemon.

2689
05:09:27.570 --> 05:09:46.380
120 Broadway Hearing Room: Thank you for testifying at this point has

been able to join no okay so i'm just going to read through the names of those who had signed up but we're not available and Ryan, if you could say, if any, are in the room Jesse Solomon.

2690
05:09:47.760 --> 05:09:49.170
120 Broadway Hearing Room: Know Rebecca Smith.

2691
05:09:50.640 --> 05:09:52.530
120 Broadway Hearing Room: Know Martine woodland.

2692
05:09:53.760 --> 05:09:57.930
120 Broadway Hearing Room: know or would had i'm sorry i'm Andrew citron.

2693
05:09:59.250 --> 05:10:00.690
120 Broadway Hearing Room: Know Johnny torn from.

2694
05:10:02.100 --> 05:10:03.270
120 Broadway Hearing Room: carly fanboy.

2695
05:10:04.680 --> 05:10:09.660
120 Broadway Hearing Room: And Daniel camplin know, none of us Okay, and has anyone else signed up.

2696
05:10:17.850 --> 05:10:25.770
120 Broadway Hearing Room: No there's no further Okay, and as I look around the room, the only folks here are ones, who has testified on the Commissioners and staff.

2697
05:10:26.490 --> 05:10:44.130
120 Broadway Hearing Room: So I will note that the record is going to remain open, through Monday August 9 2021 to receive written comments on the graph environmental impact statement and with that this public hearing is closed any other business know okay sure, thank you, thank you all.

Appendix K-2
CAG Recommendations

GOWANUS CANAL
COMMUNITY ADVISORY GROUP (CAG)
your local voice for Superfund

For more information: www.GowanusCAG.org

The Gowanus Canal Community Advisory Group (CAG) is the official community forum for dialogue between representatives of all segments of the community about the federal Superfund clean-up of the Gowanus Canal. The following CAG resolution requests formal consideration by the indicated parties to conduct activities related to the Gowanus Canal Cleanup with regard to the concerns and interests of the Gowanus community.

TITLE: Further coordination between NYCDCP and NYCDEP to address additional loading of contaminated CSO solids as a result of the proposed rezoning in order to protect the Superfund Remedy

TO: Marisa Lago, Director of the NYC Department of City Planning
Vincent Sapienza, Commissioner, NYC Department of Environmental Protection

DATE: May 22, 2019; Amended May 31, 2019

Resolved, As the proposed Gowanus neighborhood rezoning could impact the Superfund process and remedy through increased loading of contaminated CSO solids in the Canal, the Gowanus CAG hereby requests that the Department of City Planning (NYCDCP) and Department of Environmental Protection (NYCDEP) work closely together to coordinate mitigation of negative impacts. To ensure agency compliance, we further request regular updates on coordination efforts by providing written answers to questions unaddressed at the March 26 general CAG meeting (below) and responding to our comments on the impacts of the Gowanus Neighborhood Rezoning and Related Actions (attached).

Questions from March 26 CAG Meeting:

1. Will the proposed increase in density as a result of the rezoning impact the annual volume and frequency of CSO contaminated solids discharged into the Gowanus Canal and throughout the East River and New York Harbor?
2. How will the timeline and phasing of eventual construction projects as a result of the rezoning impact and overlap with Superfund clean-up efforts?
3. In order to accurately assess the impact of the proposed rezoning on the Superfund Remedy, will DEP calculate CSO discharge volume and frequency by each CSO-shed, incorporate data from real-time water quality monitoring and data collection, and model impact based on both Projected and Potential development sites in the Gowanus Draft Scope of Work?
4. Can DEP commit to providing a current and ongoing publicly accessible record of infrastructure upgrades and system improvements as well as a mechanism for tracking

proposed mitigation measures identified in the Final Environmental Impact Statement for the Gowanus rezoning?

5. There have been several infrastructure upgrades that include direct discharge of treated stormwater into the Canal. Their performance needs to be proven in pilot projects, in order to adequately support the Superfund remedy. At the general CAG meeting on March 26, 2019, DEP made a commitment to reporting on monitoring results for Sponge Park and the High Level Storm Sewer. What is the timeline for these monitoring programs, and when will the CAG have access to the results?
6. The Superfund Record of Decision specifically requires that new development mitigate additional sewer loads that could compromise the Superfund remedy (p. iii, par. 4). Which City agency(ies) or PRP(s) will be responsible for ensuring compliance with this, or will it be passed to the private developer, as was the case with 363-365 Bond? If so, how will the developer be monitored for compliance?
7. The Superfund Record of Decision specifically requires that CSO retention tanks are sized to "*accommodate projected additional loads to the combined sewer system that result from current and future residential development, as well as periods of high rainfall, including future rainfall increases that may result from climate change."* (p. 8, par. 5) How will added density impact plans for the CSO infrastructure required under the Superfund ROD?

Cc:
Honorable Brad Lander, Council Member, District 39
Honorable Stephen Levin, Council Member, District 33
Honorable Eric Adams, Brooklyn Borough President
Honorable Nydia Velazquez, Congresswoman, NY 7th District
Honorable Velmanette Montgomery, State Senator, 25th District
Honorable Jo Anne Simon, Assemblymember, Assembly District 52
Selvin Southwell, Regional Water Lead, Department of Environmental Conservation, Region 2
James Tierney, Deputy Commissioner for Water Resources, Department of Environmental Conservation
Steve Zahn, Regional Director, Department of Environmental Conservation, Region 2
Angela Licata, Deputy Commissioner of Sustainability, Department of Environmental Protection
Kevin Clarke, Portfolio Manager, Department of Environmental Protection
Michael DeLoach, Deputy Commissioner, Public Affairs & Communications**,** Department of Environmental Protection
Winston Von Engel, Brooklyn Borough Office, Director, Department of City Planning
Jonathan Keller, Senior Planner, Department of City Planning

Sagi Golan, Senior Urban Designer, Department of City Planning
Pete Lopez, Regional Administrator, U.S. EPA Region 2
Walter Mugdan, Superfund Director, U.S. EPA Region 2
Christos Tsiamis, Senior Project Manager, U.S. EPA Region 2
Natalie Loney, Community Involvement Coordinator, U.S. EPA Region 2

Please direct responses and inquiries to gowanuscag@gmail.com.

GOWANUS CANAL
COMMUNITY ADVISORY GROUP (CAG)
your local voice for Superfund

For more information: www.GowanusCAG.org

The following CAG resolution requests formal consideration by the indicated parties to conduct activities related to the Gowanus Canal Cleanup with regard to the concerns and interests of the Gowanus community.

TITLE: In support of EPA's Administrative Order dated March 29, 2021

TO: Vincent Sapienza, Commissioner, NYC Department of Environmental Protection
Marisa Lago, Director, NYC Department of City Planning

DATE: June 22, 2021

Resolved,

In order for the Gowanus Canal Community Advisory Group (CAG) to consider any rezoning within the Gowanus canal watershed, the City of New York must be in full compliance of EPA's Administrative Order dated March 29, 2021, and fully meet the requirements set forth in the remedy selected in EPA's September 27, 2013, Record of Decision ("ROD") for the Gowanus Canal Superfund Site. As stated in the ROD, "The Portion of the Remedial Action ("RA") to be implemented pursuant to EPA's Administrative Order includes the construction and operation of two Combined Sewer Overflow ("CSO") retention tanks ("CSO Tanks") to control contaminated solid discharges and requests to assure compliance with the Clean Water Act." Without meeting these critical infrastructure requirements there will be an adverse impact on EPA's Superfund remedy, as well as the health and safety of current and future residents of the Gowanus Canal and neighboring areas.

Background:
The Gowanus Canal CAG has been advocating for coordination between NYCDEP and NYCDCP as affirmed in the May 2019 resolution, Gowanus-CAG-Resolution_DEP-DCP-Coordination_5.31.2019.pdf by stating, "As the proposed Gowanus neighborhood rezoning could impact the Superfund process and remedy through increased loading of contaminated CSO solids in the Canal, the Gowanus CAG hereby requests that the Department of City Planning (NYCDCP) and Department of Environmental Protection (NYCDEP) work closely together to coordinate mitigation of negative impacts. To ensure agency compliance, we further request regular updates on coordination efforts by providing written answers to questions unaddressed at the March 26, 2019 general CAG meeting." In addition the November 2020 resolution, Gowanus-CAG-Resolution-Support-of-EPAs-Letter-Dated-11.9.2020.pdf states "The Gowanus Canal Community Advisory Group (CAG) strongly supports the position EPA states in its October 27th letter to the NYCDEP and NYCDCP regarding the proposed rezoning of the land surrounding the banks of Gowanus Canal, that any rezoning impacting the Canal must proceed in a manner that is protective of human health and the environment, as envisioned in EPA's Canal remedy and affirmed in the 2013 Gowanus Canal Record of Decision ("ROD")."

Since the City of New York has been in noncompliance with EPA's Administrative Order, the Clean Water Act, and the agreed upon Gowanus Canal Record of Decision ("ROD") and has not responded to the above mentioned CAG resolutions, the CAG cannot support any rezoning that would have an adverse impact on EPA's Superfund work, as well as the health and safety of the area's residents.

Cc:
The Honorable Charles Schumer, U.S. Senator for New York State
The Honorable Nydia Velazquez, Congresswoman, NY 7th District
The Honorable Jerry Nadler, Congressman, NY 10th District
The Honorable Jo Anne Simon, Assemblymember, Assembly District 52
The Honorable Jabari Brisport, Senator, Senate District 25
The Honorable Eric Adams, Brooklyn Borough President
The Honorable Brad Lander, Council Member, District 39
The Honorable Stephen Levin, Council Member, District 33
The Honorable Carlos Menchaca, Council Member, District 38
Jumaane Williams, Public Advocate of the City of New York
Michael Regan, Administrator of the United States Environmental Protection Agency
Walter Mugdan, Acting Regional Administrator, USEPA Region 2
Javier Laureano, Division Director Clean Water Division, Region 2 New York City
Pat Evangelista, Director of Superfund & Emergency Mgmt Division, USEPA Region 2
Christos Tsiamis, Senior Project Manager, USEPA Region 2
Brian Carr, Legal Council, EPA Region 2
Natalie Loney, Gowanus Canal CIC, USEPA Region 2

Please direct responses and inquiries to doug@forumfg.com.

The following CAG resolution requests formal consideration by the indicated parties to conduct activities related to the Gowanus Canal Cleanup with regard to the concerns and interests of the Gowanus community.

TITLE: Support of EPA Oct 27, 2020 Letter
addressed to NYC Department of City Planning (DCP),
and NYC Department of Environmental Protection (DEP)
regarding Gowanus Superfund ROD and City rezoning.

TO: Environmental Protection Agency (EPA)
Commissioner Vincent Sapienza P.E., NYC Dept. of Environmental Protection
Marisa Lago Director, NYC Department of City Planning
New York State Department of Environmental Conservation (DEC)
Gowanus Canal Superfund Potentially Responsible Parties (PRPs)
New York State Department of Health

DATE: November 9, 2020

Resolved:
The Gowanus Canal Community Advisory Group (CAG) strongly supports the position EPA states in its October 27th letter to the NYC DEP and NYC DCP regarding the proposed rezoning of the land surrounding the banks of Gowanus Canal, "*that any rezoning impacting the Canal must proceed in a manner that is protective of human health and the environment, as envisioned in EPA's Canal remedy*" and affirmed in the 2013 Gowanus Canal Record of Decision (ROD).

Background:

The EPA clarifies for the DCP and DEP that EPA's role under CERCLA also includes: "*ensuring that future land-use changes do not adversely affect the integrity of Superfund cleanups, including the ongoing work at the Gowanus Canal*"; and in a May 2019 letter the EPA "*directed the New York City Department of Environmental Protection (DEP) to provide rezoning-related information to EPA as part of the CSO tank design process.*" And the EPA again reiterates that "*Progress on the CSO tanks . . . has been delayed by DEP*", while "*Progress on the Canal cleanup is among the factors cited by the City in support of the rezoning*."

Cc:
Christos Tsiamis, Gowanus Canal RPM, USEPA
Natalie Loney, Gowanus Canal CIC, USEPA

Please direct responses and inquiries to gowanuscag@gmail.com.