

**A. INTRODUCTION**

This chapter summarizes and responds to substantive comments received during the public comment period on the Gowanus Neighborhood Rezoning and Related Actions Draft Environmental Impact Statement (DEIS).

The public hearing on the DEIS, held in conjunction with the Uniform Land Use Review Procedure (ULURP) hearing, was held on July 28, 2021, and the comment period remained open until 5:00 PM on August 9, 2021.

Section B lists the organizations and individuals that provided comments on the DEIS and Section C contains a summary of these comments and responses. Comments are organized by DEIS chapter. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. Commenters who expressed general support or general opposition but no substantive comments on the DEIS description or technical analysis are listed at the end of Section C. All written comments are included in Appendix L, “Written Comments Received on the DEIS.”

Where relevant, in response to comments on the DEIS, changes have been made and are shown with double underlines in the FEIS.

**B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS<sup>2</sup>****COMMUNITY BOARD**

1. Brooklyn Community Board 6, resolution approved June 23, 2021 (CB6\_001)

**AGENCIES**

2. Doug Garbarini, Chief, New York Remediation Branch, Superfund and Emergency Response Division, U.S. Environmental Protection Agency, letter dated August 9, 2021 (Garbarini\_074)

**ELECTED OFFICIALS**

3. Brad Lander, New York City Council, oral comments delivered July 28, 2021 (Lander\_002)
4. Jo Anne Simon, New York State Assembly, oral comments delivered July 28, 2021 (Simon\_004) and letter dated July 28 2021 (Simon\_155)

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<sup>1</sup> This chapter is new to the FEIS.

<sup>2</sup> Notes in parentheses refer to internal tracking numbers.

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5. Nydia Velazquez, United States House of Representatives, oral comments delivered July 28, 2021 (Velazquez\_003)

### **ORGANIZATIONS AND BUSINESSES**

6. Martin Bisi, BC Studios, emails dated May 26, 2021 (Bisi\_071), June 1, 2021 (Bisi\_075), and July 29, 2021 (Bisi\_137), oral comments delivered July 28, 2021 (Bisi\_045), and oral testimony notes submitted August 4, 2021 (Bisi\_159)
7. Karen Blondell, Fifth Avenue Committee, oral comments delivered July 28, 2021 (Blondell\_055)
8. David Briggs, Loci Architecture, email dated July 25, 2021 (Briggs\_113)
9. Madelaine Britt, Citizens Housing and Planning Council, oral comments delivered July 28, 2021 (Britt\_012) and email dated July 28, 2021 (Britt\_120)
10. Brendan Cheney, Director of Policy and Communications, New York Housing Conference, oral comments delivered July 28, 2021 (Cheney\_017) and oral testimony notes dated July 28, 2021 (Cheney\_128)
11. Thomas Devaney, Senior Director of Land Use Planning, Municipal Art Society of New York, oral testimony delivered July 28, 2021 (Devaney\_006) oral testimony notes dated August 9, 2021 (Devaney\_163)
12. Marcos Diaz Gonzalez, Gowanus Canal Conservancy, oral comments delivered July 28, 2021 (Diaz Gonzalez\_033)
13. Cassandra Dillenger, Manager, 98th 4th Street Development Group LLC, 13 Bond Street LLC, oral comments delivered July 28, 2021 (Dillenger\_005)
14. Marlene Donnelly, Friends and Residents of Greater Gowanus, oral comments delivered July 28, 2021, (Donnelly\_049), and letter dated August 9, 2021 (Donnelly\_166)
15. Nathan Elbogen, The Old American Can Factory, oral comments delivered July 28, 2021 (Elbogen\_035) and letter dated July 30, 2021 (Elbogen\_144)
16. Nathan Epler, Roux Environmental Engineering and Geology, oral comments delivered July 28, 2021 (Epler\_020)
17. Andrew Foley, Jonathan Rose Companies, oral comments delivered July 28, 2021 (Foley\_018)
18. Larisa Fuchs, Owner, Gemini & Scorpio Loft, email dated June 7, 2021 (Fuchs\_076)
19. Basha Gerhards, Real Estate Board of New York, letter dated July 30, 2021 (Gerhards\_145)
20. Kate Gilmore, Fifth Avenue Committee, oral comments delivered July 28, 2021 (Gilmore\_027)
21. Gowanus Canal Conservancy, letter dated August 9, 2021 (GCC\_073)
22. Gowanus Neighborhood Coalition for Justice, letter dated August 9, 2021 (GNCJ\_167)
23. Diana Gruberg, Landscape Director, Gowanus Canal Conservancy, oral comments delivered July 28, 2021 (Gruberg\_042)
24. Paul Healy, Marvel Architects, oral comments delivered July 28, 2021 (Healy\_010)
25. Daniel Kaplan, FXCollaborative, email dated July 28, 2021 (Kaplan\_123)
26. Faizal Karmali, Gowanus Canal Conservancy, oral comments delivered July 28, 2021 (Karmali\_024)
27. Lucy Koteen, Sierra Club NYC, oral comments delivered July 28, 2021 (Koteen\_039) and email dated July 28, 2021 (Koteen\_125)
28. David Kutz, Arts Gowanus, oral comments delivered July 28, 2021 (Kutz\_036) and letter dated August 4, 2021 (Kutz\_157)
29. Bora Lee, Fifth Avenue Committee, oral comments delivered July 28, 2021 (Lee\_008)

30. Jay Marcus, Fifth Avenue Committee, oral comments delivered July 28, 2021 (Marcus\_019)
31. Lucia Marquez Reagan, Fifth Avenue Committee and Gowanus Neighborhood Coalition for Justice, oral comments delivered July 28, 2021 (Marquez Reagan\_022) and email dated July 29, 2021 (Marquez Reagan\_139)
32. Robert McCool, Neighbors Helping Neighbors, Inc., oral comments delivered July 28, 2021 (McCool\_026)
33. Amy Motzny, Watershed Senior Planner, Gowanus Canal Conservancy, oral comments delivered July 28, 2021 (Motzny\_031)
34. Lynn Neuman, 350 Brooklyn / Gowanus Neighborhood Coalition for Justice, oral comments delivered July 28, 2021 (Neuman\_041)
35. Tom Oesau, Gowanus Neighborhood Coalition for Justice, oral comments delivered July 28, 2021 (Oesau\_007)
36. Ralph Osorio, 32BJ SEIU, oral comments delivered July 28, 2021 (Osorio\_015)
37. Parents and Students of MS 51, email dated July 28, 2021 (MS51\_129)
38. Andrea Parker, Executive Director, Gowanus Canal Conservancy, oral comments delivered July 28, 2021 (Parker\_050)
39. Randy Peers, President and CEO of the Brooklyn Chamber of Commerce, oral comments delivered July 28, 2021 (Peers\_014)
40. Jack Riccobono, Co-chair, Outreach Committee, Voice of Gowanus, oral testimony notes dated July 28, 2021 (Riccobono\_135)
41. Sandy Reiburn, Preserve Our Brooklyn Neighborhoods, oral testimony notes dated July 28, 2021 (Reiburn\_130)
42. Charlie Samboy, New York Building Congress, oral testimony notes dated July 28, 2021 (Samboy\_127)
43. Doug Sarno, Gowanus Canal CAG Facilitator, letter dated August 4, 2021 (Sarno\_158)
44. Rev. Christian Scharen, Saint Lydia's, letter dated July 28, 2021 (Scharen\_133)
45. Rebekah Smith, Ugly Duckling Presse, email dated July 29, 2021 (Smith\_141)
46. Mac Thayer, GOWANUSLANDS.ORG, oral comments delivered July 28, 2021 (Thayer\_053) and oral comment notes dated July 28, 2021 (Thayer\_172)
47. William Thomas, Executive Director, Open New York, oral comments delivered July 28, 2021 (Thomas\_029)
48. Chris Walters, Association for Neighborhood and Housing Development, oral comments delivered July 28, 2021 (Walters\_009)
49. Gena Wirth, Design Principal, SCAPE Landscape Architecture, oral comments delivered July 28, 2021 (Wirth\_025) and oral testimony notes received July 28, 2021 (Wirth\_136)
50. Sue Wolfe, President of the Board, Friends of Thomas Greene Park, oral comments delivered July 28, 2021 (Wolfe\_016) and email dated July 29, 2021 (Wolfe\_142)
51. Jessica Yager, Fifth Avenue Committee, oral comments delivered July 28, 2021 (Yager\_021)
52. David Yudelson, Sive, Paget & Riesel, oral comments delivered July 28, 2021 (Yudelson\_011)

**GENERAL PUBLIC**

53. Natasha Amott, email dated May 25, 2021 (Amott\_069)
54. Ruth Benn, email dated July 28, 2021 (Benn\_118)
55. Corinne Brenner, email dated July 28, 2021 (Brenner\_119)
56. Austin Celeston, oral comments delivered July 28, 2021 (Celeston\_030)

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57. Lauren Cohen, email dated August 4, 2021 (Cohen\_156)
58. Patricia Constanino, email dated July 27, 2021 (Constanino\_116)
59. Yana Davydova, oral comments delivered July 28, 2021 (Davydova\_037) and email dated May 28, 2021 (Davydova\_070)
60. Owen Foote, oral comments delivered July 28, 2021 (Foote\_023) and emails dated July 28, 2021 (Foote\_121) and August 6, 2021 (Foote\_164)
61. Salvatore Franchino, email dated July 28, 2021 (Franchino\_122)
62. Gary Francis, email dated August 9, 2021 (Francis\_165)
63. Edward Greenfield, email dated July 30, 2021 (Greenfield\_154)
64. Anita Haravon, email dated July 30, 2021 (Haravon\_143)
65. Seth Hillinger, email dated May 29, 2021 (Hillinger\_072)
66. Allison Hollihan, email dated June 20, 2021 (Hollihan\_077)
67. Dmitry Ishenko, email dated May 28, 2021 (Ishenko\_068) and oral comments delivered July 28, 2021 (Ishenko\_038)
68. Ann Kathrin Kelly, email dated July 28, 2021 (Kelly\_124)
69. Linda LaViolette, email dated August 9, 2021 (LaViolette\_168)
70. Celeste LeCompte, email dated August 9, 2021 (LeCompte\_169)
71. Margaret Maugenest, oral comments delivered July 28, 2021 (Maugenest\_056)
72. William Meehan, email dated July 28, 2021 (Meehan\_126)
73. Neill Morris-Knowler, email dated July 29, 2021 (Morris-Knowler\_138)
74. Sabrina Paterson, email dated August 8, 2021 (Paterson\_161)
75. Bradford Reed, email dated August 2, 2021 (Reed\_151)
76. Eduardo Remes, email dated July 29, 2021 (Remes\_140)
77. Sandye Renz, emails dated July 28, 2021 (Renz\_131) (Renz\_132)
78. Jack Riccobono, oral comments delivered July 28, 2021 (Riccobono\_047)
79. Will Roland, email dated July 21, 2021 (Roland\_112)
80. Miranda Sielaff, email dated July 25, 2021 (Sielaff\_114) and oral comments delivered July 28, 2021 (Sielaff\_043)
81. Roy Sloane, email dated July 27, 2021 (Sloane\_117)
82. Debbie Stoller, oral comments delivered July 28, 2021 (Stoller\_052)
83. Panayiotis Terzis, email dated August 6, 2021 (Terzis\_160)
84. Michael Thornton, email dated July 28, 2021 (Thornton\_134)
85. Aloise Visosky, email dated August 8, 2021 (Visosky\_162)
86. Martin Voelkle, oral comments delivered July 28, 2021 (Voelkle\_013)
87. Brad Vogel, oral comments delivered July 28, 2021 (Vogel\_046)
88. M. Vern Woodhead II, emails dated May 29, 2021 (Woodhead II\_171) and July 29, 2021 (Woodhead II\_170)
89. David Yang, email dated July 26, 2021 (Yang\_115)

## **PETITIONS AND FORM LETTERS**

### *FORM LETTER 1*

90. Richard Anderson, email dated July 13, 2021 (Anderson\_079)
91. Elizabeth Baye, email dated July 14, 2021 (Baye\_146)
92. Magdalena Benitez-Ridley, email dated July 14, 2021 (Benitez-Ridley\_090)
93. Richard Capozzi, email dated July 14, 2021 (Capozzi\_147)
94. Cecilia Carey, email dated July 17, 2021 (Carey\_097)
95. Laraine DeAngelis, email dated July 16, 2021 (DeAngelis\_098)

96. Carmen Fraser, email dated July 16, 2021 (Fraser\_095)
97. Frances Gagliardi, email dated July 16, 2021 (Gagliardi\_099)
98. Deshawn Gathers, email dated July 14, 2021 (Gathers\_148)
99. Curt Gebhart, email dated July 14, 2021 (Gebhart\_085)
100. Barbara Goldstein, email dated July 16, 2021 (Goldstein\_100)
101. Paul Hew, email dated July 14, 2021 (Hew\_086)
102. Paulette Jackson, email dated July 14, 2021 (Jackson\_091)
103. Kevin Jairam, email dated July 18, 2021 (Jairam\_108)
104. Lindsay Jones, email dated July 13, 2021 (Jones\_080)
105. Judy Knafo, email dated July 14, 2021 (Knafo\_087)
106. Cathy Kwan, email dated July 13, 2021 (Kwan\_081)
107. Caroline Labita, email dated July 14, 2021 (Labita\_088)
108. Milagros Lucena, email dated July 14, 2021 (Lucena\_089)
109. Carolyn Mays, email dated July 18, 2021 (Mays\_109)
110. Sue Middleton, email dated July 17, 2021 (Middleton\_101)
111. Danielle Mogyorosi, email dated July 14, 2021 (Mogyorosi\_149)
112. Alexander Morrison, email dated July 16, 2021 (Morrison\_102)
113. Abu Muhammad, email dated July 17, 2021 (Muhammad\_103)
114. Natalia Perez-Flores, email dated July 16, 2021 (Perez-Flores\_104)
115. Jameson Reese, email dated July 17, 2021 (Reese\_105)
116. Lynn Rivera, email dated July 15, 2021 (Rivera\_092)
117. Christine Rodriguez, email dated July 15, 2021 (Rodriguez\_093)
118. Nancy Rosenberg, email dated July 13, 2021 (Rosenberg\_082)
119. Amber Sagar, email dated July 15, 2021 (Sagar\_094)
120. Billie Simpson, email dated July 18, 2021 (Simpson\_110)
121. John Tusa, email dated July 17, 2021 (Tusa\_106)
122. Sarah Valeri, email dated July 16, 2021 (Valeri\_107)
123. Jennifer Villeneuve, email dated July 18, 2021 (Villeneuve\_111)
124. Clifford Warren, email dated July 13, 2021 (Warren\_083)
125. Hilary Weiss, email dated July 14, 2021 (Weiss\_150)
126. Michael White, email dated July 13, 2021 (White\_084)
127. Thadine Wormly-Herndon, email dated July 15, 2021 (Wormly-Herndon\_096)

*FORM LETTER 2*

128. 450 Union LLC, letter dated August 3, 2021 (450 Union LLC\_152)
129. Gowanus Forward, letter dated August 2, 2021 (Gowanus Forward\_153)

## **C. COMMENTS AND RESPONSES**

### **COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION**

**Comment 1:** There is real work to do here and I have said that unless some of those issues are addressed, especially public housing, canal pollution and remediation and community oversight that I can truly support this if those modifications are made that's what the community board's "yes, with modifications" vote instructs me. 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 use a sustainable community. (Lander\_002)

**Response 1:** Comment noted. The Gowanus Plan is a neighborhood plan developed with community stakeholders and elected officials, in coordination with City and other public agencies, to identify needs and opportunities to support a shared long-term vision of a sustainable, inclusive, and mixed-use Gowanus. The City will continue to liaise and coordinate on the investments, strategies and policies identified in the Plan to help facilitate the vision of the thriving and resilient Gowanus.

**Comment 2:** The shortcomings of the current civic engagement process do not effectively address the infrastructure capacity that we are going to take on massive expansion of residential density with an estimated construction of 8,000 new housing units, an influx of 20,000 people to Gowanus to proposed needs to adequately address sewage infrastructure, environmental remediation, and efforts in school utilization. While it's too early to assess the true impact of the deBlasio Administration, it is fitting for a neighborhood as complex as Gowanus is one of the last two to be certified. (Devaney\_006)

**Response 2:** Comment noted. The Gowanus Plan is a neighborhood plan developed with community stakeholders and elected officials, in coordination with City and other public agencies, to identify needs and opportunities to support a shared long-term vision of a sustainable, inclusive, and mixed-use Gowanus. The zoning proposal takes into account land use and zoning concerns expressed by stakeholders at the many public events held on the Gowanus Plan since October 2016, and seeks to balance the varied interests of stakeholders in Gowanus

**Comment 3:** 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. As new buildings are constructed, the community must have

access to reporting that provides new development does not add population or flooding through a community-based task force that holds the City and developers accountable. (Motzny\_031)

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. (Devaney\_163)

**Response 3:**

As discussed in Chapter 1, “Project Description,” of the DEIS, the impact analyses are based upon a Reasonable Worst-Case Development Scenario (RWCDS) that identified development sites that are determined based on standard soft-site criteria and property conditions that identify the potential developability of those sites. Development sites are divided into two categories: projected development sites and potential development sites. The projected development sites are considered more likely to be developed within the analysis build year timeframe. Potential development sites are considered less likely to be developed within the analysis build year because they are slightly irregularly shaped or encumbered sites, have a number of commercial or industrial tenants or are active businesses that may provide unique services or are prominent and successful neighborhood businesses or organizations that are less likely to move, and/or are sites divided between disparate zoning districts. The DEIS assessed a net increase of approximately 8,500 new units and over 730,000 square feet (sf) of commercial space. The development projections analyzed in the DEIS represent a development program that is reasonably expected under the proposed rezoning. As described in the DEIS, a total of 70 potential development sites were identified (see **Appendix A**). Although these sites are considered less likely to be developed, the DEIS did assume that potential development sites could also be developed under the Proposed Actions in lieu of the projected development sites and these sites are therefore also analyzed in the EIS for site-specific effects (e.g., historic and archaeological resources, shadows, hazardous materials, stationary air quality, and ambient noise). The DEIS assesses a net increase of approximately 8,500 new units and over 730,000 square feet of commercial space. The development projections analyzed in the DEIS represent the largest development program analyzed of any recent area-wide neighborhood rezoning in New York City. If adopted, development in the Project Area would occur in accordance with the new zoning. The New York City Department of Buildings (DOB) tracks the issuance of building permits.

**Comment 4:**

We urge the City to include a summary of the critical input from these meetings in an appendix in the FEIS. (Devaney\_163)

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**Response 4:** Meeting summaries and materials from the Gowanus Neighborhood Planning process can be found on the Department of City Planning's website. This chapter summarizes the comments made on the proposal and its environmental impacts as provided at the DEIS hearing and written and emailed testimony submitted by the public during the comment period. A transcript of the comments submitted on the DEIS through the end of the public comment period is contained in **Appendix K**.

**Comment 5:** Several City Planning 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. (MS51\_129)

**Response 5:** All public noticing for the DEIS has been publicized and the DEIS text regarding the public review process and hearings has been updated for this FEIS. The DEIS hearing was held on June 28, 2021, at 120 Broadway. The hearing was a hybrid hearing with speakers having the ability to attend in-person or remotely. SEQRA and CEQR require that all notices for the public hearing be published at least 14 calendar days before the date of the scheduled hearing. DCP posted the notice on its website, in the City Record, and the New York Post, a newspaper of general circulation on July 13, 2021. A second public hearing on the DEIS will not be held; however, the City Council will hold a hearing on the Proposed Actions prior to its vote.

## **SEQRA/CEQR/ULURP PROCESS**

**Comment 6:** The central problem is that the City uses ULURP, which is a rezoning process as a proxy for the urban planning process it really doesn't have. This is why so many proposals are inadequate and go awry when a rezoning is done, there are no controls other than the new zoning designation for which variances can be sought. The likelihood that the Gowanus rezoning will look anything like what it's proposed today or be built within a ten-year period projected in the DEIS is slim to none; what's more, if it starts to go off the rails, the City has no tools to right it so past is prologue. (Simon\_004, Simon\_155)



**Response 6:** ULURP is a standardized process that allows community engagement with respect to land use applications. It involves a series of consultations at the community and borough level followed by binding decisions by the City Council and Mayor. The only way to assess the effects of a rezoning are to estimate likely development projections over a specified planning horizon using reasonable assumptions. Please also see the response to Comment 2. The Gowanus Planning process began in 2016 building off of decades of prior community planning efforts and engagement. The proposed Gowanus Plan and associated land use actions are products of this deep community engagement and iterative feedback process.

**Comment 7:** 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. (Morris-Knowler\_138)

**Response 7:** The DEIS and this FEIS discloses the potential for significant adverse impacts of the Proposed Actions as they related to Community Facilities, Open Space, Shadows, Historic and Cultural Resources, Transportation, and Construction. The DEIS states that mitigation measures to be explored by DCP, as lead agency between the DEIS and FEIS. If no feasible mitigation is selected, the significant adverse impacts would be unavoidable impacts of the Proposed Actions. The Proposed Actions would not result in a significant adverse impact related to direct or indirect residential or business displacement; therefore, mitigation is not warranted.

**Comment 8:** 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. (MS51\_129,)

**Response 8:** The DEIS was prepared in accordance with the 2020 *CEQR Technical Manual*.

## CHAPTER 1: PROJECT DESCRIPTION

**Comment 1-1:** GNCJ continues to call on the City to meet our priority demands for the Gowanus Neighborhood Rezoning. Our top 3 demands are:

- Full capital funding for local NYCHA developments;

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- 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.

Our coalition will NOT support the rezoning unless these demands are met. (GNCJ\_167)

The Gowanus Neighborhood Coalition for Justice has outlined conditions for their approval, including topics such as accountability, the Gowanus mix of uses, public housing, and transit—just to name a few. Additionally, the Gowanus Neighborhood Coalition for Justice has shared its three dealbreaker demands, which comprise a greater Gowanus public housing investment net zero, combined storm overflow, and funding a Gowanus Zoning Commitment Task Force for compliance. (Blondell\_055, Diaz Gonzalez\_033, Gilmore\_027, Kutz\_157, Marquez Reagan\_022, Marquez Reagan\_139, McCool\_026, Motzny\_031, Parker\_050, Velazquez\_003)

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. With this rezoning, we have the opportunity to make Gowanus more accessible, more affordable, more diverse, more resilient, and healthier. (Scharen\_133)

As a proud member of the Gowanus Neighborhood Coalition for Justice and being supportive of all its priorities, we will not support the neighborhood plan without full funding for capital needs for Gowanus Houses and Wyckoff Gardens, net zero CSO and accountability through a community-based commitment Task Force. (Oesau\_007)

We do not support the rezoning unless our top three demands are met: full capital funding for local NYCHA developments, net zero CSOs into the Canal, and the creation of the Gowanus Zoning Commitment Task Force. (Neuman\_041)

### **Response 1-1:**

Comment noted. While Chapter 11 analyzes a number of aspects of Infrastructure, including CSOs, generally the list of demands is outside the scope of this CEQR analysis. As noted in the response to Comment 11-23, the rezoning would result in the reduction of CSO discharging to the Canal.

As described in Chapter 1, “Project Description,” the Proposed Actions are intended to support a number of neighborhood and community goals and objectives, including to reconnect the community to the Canal, improve neighborhood livability by increasing access to publicly accessible open space and the waterfront, and facilitate public realm

improvements in connection with planned private and public investments.

The City is actively engaged with the community around implementation of the Plan and various proposals for continue coordination post-adoption of the land use actions.

**Comment 1-2:**

GNCJ wants the City to:

- Guarantee timely reopening and renovation of the Gowanus community center with resident-led process for design, organizational structure, and programming;
- Invest in community health and social resilience;
- Build economic equity ensuring local access to section 3 employment.
- Invest in know-your-rights trainings.
- 100% affordability on public land.
- Address local skills gap with targeted multi-year workforce investment.
- Study, implement, and enforce transfer of development rights to fund full capital repairs at Wyckoff and Gowanus NYCHA developments.
- Create an affordable housing lottery preference for local CD6 NYCHA residents.
- Map the most affordable MIH options.
- Mandate deeper MIH levels for private developers.
- Follow through with IBZ commitment.
- Create jobs for low-income local residents to maintain new buildings and public space.
- Preserve industry and art spaces.
- Invest in local youth employment.
- Invest in public space. (GNCJ\_167)

**Response 1-2:**

Comment noted. See the response to Comment 1-1. While a number of these proposals are outside the scope of zoning, the City is committed to furthering the goal of providing affordable housing with the Proposed Actions.

**Comment 1-3:**

The proposal's shortcomings include 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 Gowanus Houses and Wyckoff Gardens. (Simon\_004)

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**Response 1-3:** A full analysis of the Proposed Actions’ potential impacts on infrastructure was provided in Chapter 11, “Water and Sewer Infrastructure,” of the DEIS. This analysis examined the effects of the Proposed Actions on wastewater and stormwater infrastructure, with a detailed analysis of sewer capacity, and concluded that there would be no significant adverse impacts. As part of the Neighborhood Plan, the City has engaged residents at the area NYCHA developments and is aware of, and working towards addressing, the capital needs investment in repairs to these NYCHA buildings. Funding of capital needs for NYCHA Gowanus Houses and Wyckoff Gardens is outside the scope of this rezoning.

**Comment 1-4:** Having closely examined every neighborhood rezoning under the deBlasio Administration, the Municipal Art Society recognizes the challenge the City faces and envisioning a future for a neighborhood as complex as Gowanus there are many aspects of the plan that we support the well-crafted waterfront access plan new open space reductions in residential stormwater flows, one hundred percent affordability Gowanus Green and a new public school. We are also encouraged by Councilmember Lander’s intention to study the racial impacts of the rezoning. (Devaney\_006)

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. (Devaney\_163)

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. 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. (Devaney\_163)

**Response 1-4:** Comment noted. The City has coordinated with EPA and DEC since the Superfund designation was announced several years ago. The Proposed Actions would apply incentives to the area around Thomas Greene Playground and at Canal crossings (Canal fronting sites) to promote mixed-use residential buildings that include a diversity of non-residential uses. The floor area incentive would support space for job-generating uses, such as commercial, office-based, and industrial uses—a portion of which would be for a specific light industrial, arts, and repair-based uses

to achieve the Gowanus mix. The incentive would reinforce the neighborhood's existing mixed-use character and promote walk-to-work opportunities for current and future residents. The DEIS includes an analysis of the potential for significant adverse impacts to public schools, including elementary schools, in Chapter 3, "Community Facilities and Services," and concludes that no significant adverse impact would result. As part of the Neighborhood Plan, the City has engaged residents at the area NYCHA developments and is aware of, and is working towards addressing, the capital needs investment in repairs to these NYCHA buildings. However, NYCHA repairs and the funding needed to address conditions at the buildings are not under the purview of CPC and the zoning actions considered in the DEIS.

**Comment 1-5:** I'm concerned that the Gowanus Canal is not clean enough for recreational use. (Haravon\_143)

**Response 1-5:** The Canal is contaminated and is currently undergoing cleanup and remediation. Industrial facilities adjoining the Canal and others farther away discharged to the Canal through sewer/discharge piping or overland/underground flows, contributing to contamination of the Canal's sediments and the associated water quality impacts. Almost 600,000 cubic yards of contaminated sediment is expected to be removed from the Canal as part of the Superfund remedy.

*PURPOSE AND NEED*

**Comment 1-6:** I believe a responsible activist's and responsible elected official's job is to highlight what is and what is not working about a proposal. For example, no one was opposed to rezoning in Downtown Brooklyn, but we did raise serious issues, including the fact that if they anticipated only large-footprint commercial uses and a very small amount of residential use, they were very parsimonious in the amount of public investment to be made, while displacing immigrant-owned businesses and black and brown residents at Downtown Brooklyn, which should have received massive investment. It is important that we talking about the details and it's important that we all listen to those people who are raising the concerns. (Simon\_004)

**Response 1-6:** The Gowanus Neighborhood Plan is a comprehensive plan developed with community stakeholders and elected officials, in coordination with City and other public agencies. The zoning proposal takes into account land use and zoning concerns expressed by stakeholders at the many public events held on the Neighborhood Plan since October 2016, and engagement with the public has continued as part of the ULURP process,

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which provides activists, elected officials, and the general public the opportunity to voice their concerns on the proposal. The DEIS assesses the potential for residential and business displacement as a result of the Proposed Actions.

**Comment 1-7:** 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 the long-term vision of a thriving, inclusive, and resilient GOWANUS s something of a stretch. I would like for the statement to be true but wishing doesn't make it so. (Simon\_004)

**Response 1-7:** The Gowanus Canal is a “wholly unique resource,” as there is no water body like it in New York City. The Proposed Actions are centered around the Gowanus Canal, and the anticipated remediation of the Canal and upland properties is critical to the sustainable growth of the neighborhood.

**Comment 1-8:** The Citizens Housing and Planning Council (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 as we've talked about today, but it will also do so in an area that benefits greatly 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 want to urge the Commission to ensure that every opportunity to build a more equitable New York City through this rezoning is met. 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. (Britt\_012)

**Response 1-8:** Comment noted.

**Comment 1-9:** The zoning proposal provides incentives to create mixed-use development, including industrial-arts-related uses that will allow for some of the quirky and cultural establishments that are typical for the neighborhood to remain. It also aims to create a more pedestrian- and bike-friendly district to reduce parking and loading requirements. As a resident of Carroll Gardens, I know how hard and expensive it is to find

adequate housing in this area and I cannot wait for a more active, affordable, and more sustainable Gowanus neighborhood to be realized. (Voelkle\_013)

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. (Wirth\_136)

**Response 1-9:** Comment noted.

**Comment 1-10:** We wholeheartedly support the Gowanus Rezoning. The Brooklyn Chamber of Commerce recently released a comprehensive survey tracking the devastating toll on Brooklyn businesses in 2020. Upwards of 80 percent of businesses lost over half of their revenue. We saw a third of businesses actually close permanently and we saw the pandemic disproportionately impact minority and women-owned businesses across the City. Now more than ever, we need to move forward on major neighborhood strengthening initiatives like the goal honest rezoning that will put people back to work, great affordable housing. When it's never ever more needed than now and support small businesses in the surrounding community that will directly benefit. Through the patronage of new residents and visitors along a beautiful waterfront Canal. This proposal will wait economic growth in three ways in particular: direct job creation through the construction jobs that will created as a result of the new development; small business development and entrepreneurship, through the creation of new commercial space and increase commerce; and local retail patronage due to the increase of residential density and more customers that will frequent the area's restaurants and shops. Brooklyn is at a crossroads and we can only delay our efforts to rebuild our economy, the creation of good-paying jobs. Good-paying jobs are at stake and the future of our small businesses. (Peers\_014)

**Response 1-10:** Comment noted.

**Comment 1-11:** My union, 32BJ SEIU, represents 5,000 building service workers in New York City and supports this rezoning. We support responsible developers who invest in the communities where they build. I'm happy to report that many developers in this rezoning area have made credible commitments to create affordable housing for the community. The Gowanus rezoning will also create also 8,500 new housing units, nearly 3,000 below market rate. This is a commitment, an investment in the community that will give working class families opportunity for upward mobility and security. As someone who has lived and worked in Brooklyn for 42 years, I understand how important good jobs and affordable housing can be to the community. We support the rezoning, and we are confident that many of

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the developers will be responsible employers and will make a positive impact on our community. For these reasons, we urge you to approve this rezoning. (Osorio\_015)

**Response 1-11:** Comment noted.

**Comment 1-12:** We support the Gowanus rezoning with reservations; the City must commit to renovations and improvements to ensure the existing Thomas Greene Park and the open spaces and support the growing population in Gowanus. (Wolfe\_016)

**Response 1-12:** As described in the DEIS, in the future without the Proposed Actions, Thomas Greene Playground, part of the former Fulton Manufactured Gas Plant, will be temporarily closed and the pool will be relocated in connection with the Superfund remediation. As part of the remediation plan, National Grid will construct a temporary swimming pool while the park is closed. Once the remediation is complete, this open space will be reconstructed as a new park, including a pool.

**Comment 1-13:** We support the Gowanus Green project because it does create over 50% of the affordable units to low- and extremely low-income families that are too often left out when the rezoning happens to be able to target that low-income because it does include 28,000 square feet of community facility space. (Marcus\_019)

**Response 1-13:** Comment noted.

**Comment 1-14:** Affordable homes for purchase; affordable home ownership opportunities are critically needed in Brooklyn, where the median home price is now at least \$900,000. This is wildly out of reach for most of our neighbors helping neighbors homebuyers, who have a median income of \$70,000 and median household size of two. Many who purchase affordable homes at Gowanus Green will have spent many years or their entire lives within the neighborhood or within Brooklyn. This opportunity will help them stay in the community and realize the benefits of home ownership that many others through their own hard work, hard saving, and luck have been able to realize for themselves. The rezoning proposal, because of the 3,000 affordable rental and homeownership units that will be built, will affirmatively further fair housing. The rezoning must also fund the preservation of Gowanus Houses and Wyckoff Gardens. (McCool\_026)

**Response 1-14:** Comment noted.



**Comment 1-15:** Allowing more homes will help to alleviate New York’s housing shortage and help to fight displacement in other neighborhoods. 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. Between 2010 and 2017, median rents increased by more than double median wages, homelessness has reached the highest level since the Great Depression. Pre-COVID, one out of every ten elementary school students in New York City public schools attended from homeless shelters. 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. I also hope the CPC can recommend a Community preference be expanded beyond Gowanus, so the rezoning will be a force for integration. (Thomas\_029)

**Response 1-15:** Comment noted.

**Comment 1-16:** The 5,000 market-rate homes this rezoning will allow will also help by preventing displacement in other neighborhoods. The median household income of the rezoning area is well over six figures; this is a very desirable neighborhood. And we’d likely be many families’ first choice, but if the wealthy can’t find new places to live here, they will simply bid up the price of existing housing until they can move into an existing place on the market. The families who would otherwise live in those homes would move to more affordable neighborhoods, and as displaced demand increases, up goes the rent, forcing current tenants to allocate ever larger shares of their income to stay in their homes and knocking those who can’t pay to the street. If we don’t let young professionals live there, they won’t disappear, they’re going to increase displacement pressure deeper in Brooklyn, in places like Sunset Park, Flatbush, and Midwood. (Thomas\_029)

Because of its attractiveness, Gowanus is a prime area for new development but, unfortunately, we haven’t seen much housing because of zoning. The demand does not 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 bear the load of new housing and that pushes up rent for everyone, because of the lack of supply and the continued influx of demand. (Celeston\_030)

**Response 1-16:** The Proposed Actions would substantially increase the supply of housing, including truly affordable housing, by introducing a net increase of approximately 8,500 units to Gowanus. The Proposed Actions would also introduce more affordable housing as compared to the Future without the

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Proposed Actions, potentially slowing the existing trend of increasing rents and maintaining a more diverse mix of incomes in the study area.

**Comment 1-17:** 3,000 affordable units anywhere would be something to be praiseworthy of but especially in an area like Gowanus that has six figure incomes and is almost two-thirds white is something that we should embrace. We should not pass up an opportunity like this. This rezoning should be presented as a model for similar rezonings and similar neighborhoods. (Celeston\_030)

I am writing in support of the Gowanus rezoning. This is an opportunity to build over 8,500 homes, 3,000 affordable—in a wealthy, high-opportunity neighborhood well-served by transit. (Yang\_115)

**Response 1-17:** Comment noted.

### *ANALYTICAL FRAMEWORK*

**Comment 1-18:** I'm a member of Friends and Residents of Greater Gowanus who helped bring the Superfund effort into the Canal. I'm also somebody who got involved in the water quality standards for the Gowanus Canal back in 2002 in the DEP stakeholders' groups where the past 20 years I've been advocating for different water classification. 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 Jo Anne Simon said today and have spoken to her about that was going on in our community many times. I've also supported the things that Voice of Gowanus has been putting forward. We need environmental assessments. I'm very concerned that in 2008 this body presented a ULURP process for Public Place. 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. You guys said it was a responsibility and requirement and yet today you move forward a rezoning that's expanded to 80 blocks and there's no mention of it. There are concerns that need to be addressed 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 it needs the NEPA assessment in this rezoning as you did before; I don't understand why it was left out and obfuscated. (Donnelly\_049)

It looks like federal funds are going to be required for the Public Place development, and it was stated by the city in 2008 that required federal involvement in reviewing and partnering in the rezoning of that site. (Bisi\_045)

**Response 1-18:** A Draft Scope of Work to prepare an Environmental Impact Statement was issued for the Gowanus Green proposal in late 2008. The draft scope

of work was issued by HPD for redevelopment of the Public Place site but the environmental review never advanced beyond the draft scope. This draft document noted that the environmental review would need to comply with federal standards to the extent that the redevelopment project involved HUD funding. As noted in previous responses, the Proposed Actions under consideration in the DEIS include a larger area-wide rezoning of the Gowanus neighborhood, including rezoning and disposition approval related to the Public Place site. The Proposed Actions have been comprehensively assessed in the DEIS in accordance with SEQRA and CEQR. As noted in Chapter 1, “Project Description,” section ‘Potential Future Actions,’ to the extent affordable housing developed or preserved within the Project Area in the future uses funding provided by New York State or HUD, the funding may require future additional review under SEQRA or NEPA. Because the Proposed Actions are limited to City land use approvals, and do not involve State or HUD funding approvals, compliance with NEPA is not warranted at this time.

**Comment 1-19:**

At a citywide level, as you know, the Council recently passed and I was proud to cosponsor legislation to require 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 to working with you on it, but Council number 11 and I thought I was important to bring that kind of analysis to the Gowanus rezoning, even though that timeline didn’t require it here, so we have worked together to commission an independent third party racial impact study, which will be available soon; we got it underway and it’s not that you don’t have it, yet it’s my understanding it will be out in a matter of 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. 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. (Lander\_002)

**Response 1-19:**

Comment noted. “Gowanus Neighborhood Plan: Racial Equity Report on Housing and Opportunity” was released in July 2021.

**Comment 1-20:**

As we look into the City’s future with a new mayoral administration, the Gowanus rezoning brings to light the profound deficiencies and lack of transparency in the City’s CEQR process, but particularly the reliability of the development forecasts and evaluating the full impact of the plan. Omission of the NYCHA properties from the strategy around affordable

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and quality housing and the lack of fair housing plans to fill the gaps of MIH. (Devaney\_006)

**Response 1-20:** The Proposed Actions have been comprehensively assessed in the DEIS in accordance with SEQRA and CEQR. The City’s affordable housing strategy and the maintenance of NYCHA properties is a policy issue beyond the scope of the DEIS. Separate from the Proposed Actions, the City has been focusing on and significantly investing in maintaining NYCHA properties.

**Comment 1-21:** The ULURP 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 are not enough. The Gowanus neighborhood has contamination by industrial waste and raw sewage they’ve been pouring onto the Gowanus and seeping deep underground for decades. It is a federal superfund site. As a result, EPA is required by law to be involved in preparing—not just commenting on, but in actually preparing. (Sloane\_117, Vogel\_046)

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. (Benn\_118, Cohen\_156, Constanino\_116, Hillinger\_072, Reed\_151, Renz\_132, Riccobono\_135)

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. 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. (Reiburn\_130)

**Response 1-21:** EPA and DEC have been actively engaged with the City of New York and other parties such as National Grid with respect to the Gowanus

Superfund remedy and other aspects of the shared goal of cleaning up the Gowanus Canal and upland blocks. EPA's oversight of the Canal remediation is independent of these Proposed Actions, and there is no requirement or basis for EPA to act as an involved agency under SEQRA or CEQR. More important, the Gowanus Plan was carefully coordinated with the actions that the City of New York and others are undertaking to remediate the Gowanus Canal and will positively contribute to the overall remediation of the Gowanus neighborhood.

**Comment 1-22:** Given the contamination, flooding, and the risk of sea level rise in the rezoning area, 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 and cooperating 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. (Riccobono\_047, Stoller\_052)

**Response 1-22:** See the responses to Comments 1-18 and 1-21. There are no approvals required as part of the Proposed Actions that warrant review by FEMA, or the Army Corps of Engineers (USACE). The USACE is responsible for protecting many of the nation's aquatic environments including oceans, rivers, lakes, streams, ponds, and wetlands. Work in, over or under waters of the United States may require a permit from the USACE. In the event permits are needed for new stormwater outfalls, the City will engage the USACE. No approvals or permits are required from FEMA.

**Comment 1-23:** 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 as the Gowanus Houses NYCHA campus, which flooded during Hurricane Sandy. We ask that you set aside your positions on other aspects of the rezoning and even if you're in favor, consider the significant legal risks. (Riccobono\_047)

**Response 1-23:** The Proposed Actions are local zoning regulations that require environmental review under CEQR. The Proposed Actions would establish elevations along the shoreline to support shoreline adaptations against long-term daily tidal flooding due to sea level rise and set standards for ecologically functional design across properties and street ends along the Canal, including opportunities for green infrastructure to reduce the impacts of runoff. In addition, new buildings in the floodplain would be required to meet flood-resilient construction standards, which are set by FEMA and defined in Appendix G of the Building Code.

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**Comment 1-24:** I just want to point out that the Public Place site that we've heard so much about today, which is being planned for the extremely toxic site that one EPA representative has even suggested could never be cleaned up enough for human residents only constitutes five percent of the area of this entire rezoning; it perhaps deserves its own ULURP. (Stoller\_052)

**Response 1-24:** The land use actions necessary to facilitate the Gowanus Green proposal, which is planned for the Public Place site, are part of the comprehensive Gowanus Neighborhood Plan and assessed in the DEIS. EPA has publicly stated that it is feasible for the Public Place site to be cleaned up to allow for the types of land uses currently under consideration, which include a mix of residential and non-residential uses and new open space, including affordable housing. As part of EPA's assessment of the Public Place remediation effort, EPA and DEC have agreed to work cooperatively with all parties involved to ensure that the remediation will be protective of public health and the environment.

**Comment 1-25:** In Downtown Brooklyn, the City severely underestimated residential population growth as a result of the 2004 rezoning 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." 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. (GCC\_073)

**Response 1-25:** The Downtown Brooklyn Rezoning was analyzed in an EIS approximately 18 years ago. It is beyond the scope of the DEIS for the Gowanus Neighborhood Plan to assess development projections retroactively for actions that were approved almost two decades ago. The DEIS accounts for developments that have come online subsequent to the Downtown Brooklyn Rezoning under Existing conditions, as well as planned developments that would be developed in the future irrespective of the Proposed Actions as part of the No Action condition.

**Comment 1-26:** Leverage the NYC Environmental Justice Policy Bills to have the Environmental Justice Advisory Board and City agencies work with communities in mapped Environmental Justice areas 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. (GNCJ\_167)

**Response 1-26:** The blocks generally north of Degraw and Douglass Streets were recently defined as environmental justice areas. The NYC Environmental Justice Advisory Board and the City of New York are holding a public comment period which ends on September 5, 2021, to seek feedback on the draft scope for the Environmental Justice for All Report. The Proposed Actions would not preclude any future engagement under NYC's environmental justice law once the Report is issued.

**Comment 1-27:** 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 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. (Elbogen\_144)

**Response 1-27:**

Comment noted. The Gowanus Plan includes strategies to encourage retention and reuse of key historic buildings, including through opportunities to landmark historic buildings and aligning zoning and land use to help facilitate efforts to preserve and adaptively reuse buildings. The Proposed Actions encourage such retention and reuse while also carefully considering and balancing other neighborhood goals, including addressing unique site conditions and reflecting the existing built character of the Gowanus neighborhood. While the Proposed Actions are intended to facilitate as-of-right development to meet the long-term vision of a sustainable, mixed-use neighborhood, some proposals may need to seek relief and added flexibility due to unique physical conditions and a site layout that may be difficult to comply with under the proposed zoning. To accommodate these circumstances, a discretionary action, subject to a separate public review process, is the most appropriate mechanism. To provide flexibility with appropriate case-by-case review, the GSD proposes an authorization to modify the bulk envelope and use and streetscape regulations for existing, large mixed-use sites seeking to redevelop while integrating new development with substantial, existing buildings. The requested modification goes against the purpose and need for the mixed-use authorization; specifically utilizing non-contextual bulk envelopes to fit large amounts of non-residential with residential uses on the same lot. Additionally, the requested modifications are out of scope. An alternate pathway that does not include use requirements is the existing ZR Section 74-711 Special Permit that would allow for similar bulk relief without minimum use thresholds.

*OPEN SPACE AND THE WATERFRONT*

**Comment 1-28:**

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. (CB6\_001, Gruberg\_042)

**Response 1-28:** Comment noted. The City supports a community driven exploration of a BID type structure for Gowanus.

**Comment 1-29:** 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. (CB6\_001)

I would like to see even greater flexibility in these regulations and planning leadership around specific water access points. Water access is a critical need of this community, particularly on public sites as the WAP and zoning evolves. (Wirth\_025, Wirth\_136)

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. (Francis\_165, LeCompte\_169)

Please improve water access at Douglass St. and 2nd Ave, currently an access site that is in need of maintenance. (Renz\_131)

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. (Renz\_132)

**Response 1-29:** Comment noted. The Proposed Actions, through the Waterfront Access Plan (WAP), would support the creation of new waterfront open spaces along the Canal that would create an active and vibrant shoreline. Along with the WAP and proposed street and park mappings, the Proposed Actions would reknit the community to the Canal shoreline, which today is characterized by private property with no waterfront access. The Proposed Actions would provide access to the water with several points of access along the shoreline. While in-water access requirements are not

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part of the Proposed Actions, DCP, NYC Parks, and the community will advocate for incorporation in waterfront designs where it is appropriate, feasible and an operator has been identified and confirmed. On City-owned sites where public design discussions have not already occurred, in-water access can be contemplated and debated along with other programming and amenities that the community wants to see in the future.

**Comment 1-30:** 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. The Salt Lot 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. (Morris-Knowler\_138)

**Response 1-30:** The City is in a continuing dialogue with the Gowanus Canal Conservancy (GCC) and the industrial businesses on the Salt Lot site. The Salt Lot is a valued community asset and critical to the Superfund remedy as it would contain one of the two required CSO detention tanks. The City is committed to a continued engagement with EPA, GCC, and all stakeholders with respect to the planning of the Salt Lot site.

**Comment 1-31:** The WAP must facilitate future pedestrian bridge crossings, such as at the 1st Street Turning Basin, Degraw Street, and between Gowanus Green and the Salt Lot. (CB6\_001, GCC\_073)

**Response 1-31:** Comment noted. While the WAP cannot directly facilitate pedestrian bridges, it would not preclude them.

**Comment 1-32:** 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 offers a framework for funding and overseeing vibrant waterfront programming. The City must commit to supporting this innovative proposal. (CB6\_001)

**Response 1-32:** The WAP is designed to promote active frontages along the shore public walkway and could include areas for active recreation, such as playgrounds or dedicated bike paths, as well as open areas such as lawns, in the supplemental public access areas. Programming of waterfront designs would be addressed in coordination with DCP and NYC Parks.

As described in Chapter 5, “Open Space,” of the DEIS, the WAP would incentivize incorporating community amenities like comfort stations, boat launches, and historic interpretation elements, as well as include incentives that encourage programming and activation of the waterfront with design features such as tot lots and dog runs. The WAP would expand the size of permitted kiosks on the largest sites along the Canal, further supporting the incorporation of active open space programming.

**Comment 1-33:** I would just add that you need to make sure in the Gowanus mix to make it a genuinely public space so that it doesn’t feel just like a backyard of the folks who live in those buildings, because the Canal needs to be a public resource that really people beyond the buildings feel welcome in; that can be done through some features in the Waterfront Access Plan that are designed to achieve that. I think this is the right conversation to have, and if you wind up making some adjustments to it as part of this process we’ll be glad to engage with them when they get to the Council, I hear you about not mandating retail space, and I think we can achieve the goals of mixed use and an active Canal in ways that are aligned with that goal. (Lander\_002)

**Response 1-33:** The Proposed Actions would facilitate the creation of new public waterfront open space and neighborhood parks along the Canal and the new zoning would encourage variation and diversity of future programming, open spaces, site planning, and design along the Canal. The Proposed Actions would foster the Gowanus mix and bring new residents and visitors to the Gowanus waterfront.

**Comment 1-34:** We own two properties in the rezoning area: 98 4th Street, located along Bond Street, and 413 Bond Street in the irregular L-shaped lot between 3rd Street and 4th Street with frontage on the Canal. 98 4th Street is home to 67 small businesses with over 300 workers, including furniture maker, jewelry makers, set designers, and photographers. 413 Bond Street has approved plans for development for these very same uses. As property owners we’ve been intentional about providing spaces for the locally owned creative businesses that have become synonymous with the Gowanus neighborhood. The Gowanus rezoning raises two specific issues that undermine our ability to develop and retain such uses on our sites. One: the proposed visual corridor and upland connection mid-block between Bond Street and the Canal into the proposed waterfront yard and shore public walkway requirements. These regulations would make redevelopment of our site at 413 Bond Street infeasible, even with a proposed M1-4 zoning designation. The proposed visual corridor requires an unobstructed area of at least 50 feet along the eastern boundary. And the proposed waterfront yard requires an unobstructed area at least 30 feet

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along the shoreline. Together these regulations would drastically reduce our useable lot area by approximately 40 percent. This result is inconsistent with the City' stated objective to support existing clusters of economic activity and promote developing new job-generating uses. If the City believes that the upland connection and visual corridor are necessary in this location, we would strongly encourage them to utilize adjacent sites that are proposed to be rezoned for residential uses and have more flexible floor plates. We ask that this small but specific modification to the proposed zoning text to help protect the future of industrial use manufacturing in Gowanus. (Dillenberger\_005)

**Response 1-34:** Continuity along the Canal is a critical goal voiced by the community and incorporated into the Gowanus Plan. Per the WAP, this waterfront lot would be subject to a 15 percent waterfront public access (WPAA) requirement. This requirement would be in the form of a 30-foot-wide SPW along the canal and an supplemental public access area (SPAA) in the form of a pedestrian walkway along the lot line that will facilitate connectivity from 3rd Street to the waterfront. This connection would avoid a potential dead-end condition to the east and west. It should be noted that the visual corridor requirement is split between two parcels and is not solely located with the 413 Bond Street parcel. The Proposed Actions considered this unique site condition and proposes to split this visual corridor requirement between two sites. The requirement maintains two accessible street frontages to the development and does not compromise the potential for a reasonable non-residential development.

**Comment 1-35:** Public spaces should be accessible to all, 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. (Oesau\_007)

**Response 1-35:** Comment noted. The open spaces required under the WAP would be publicly accessible.

**Comment 1-36:** The waterfront access plan makes strides in reaching community goals with new rules allowing for diverse accommodations, wetlands. More appropriate lighting levels and incentives for amenities, however, as you know, the zoning tools, like the Waterfront Access Plan, are limited. The DEIS called for 50% of the waterfront to be active programmed space, but the Waterfront Access Plan does not yet provide a path to achieve active and engaging spaces. The community has asked for active playgrounds, performance space, and barbecues instead of the passive waterfronts that we often end up seeing develop. The Department of City Planning and the Parks Department must give the community a voice in

the waterfront certification process to inform the design of the public space built on each property. (Gruberg\_042, GCC\_073)

**Response 1-36:**

Comment noted. Please see the response to Comment 1-32.

**Comment 1-37:**

On public land, the City has the opportunity to create a vibrant and activated network of parks and public space, but only if it commits to clear capital investment in the public spaces and amenities that the community needs. (Gruberg\_042)

**Response 1-37:**

Comment noted.

**Comment 1-38:**

Public street ends can be gateways to the water, where boat launch get-downs and barbecue areas allow the community to gather and access the Canal. (Gruberg\_042)

**Response 1-38:**

Comment noted. The WAP would facilitate get-downs and active spaces along the waterfront.

**Comment 1-39:**

Public Place, a uniquely large space, should be home to a boathouse play space and recreation. At the Head End Facility, the City should invest in what would be the only large performance space in the neighborhood. In Thomas Greene Park, the City must invest additional money in reaching the community's vision, including a renovated pool and pool house. (Gruberg\_042)

**Response 1-39:**

The remediation and reconstruction of Thomas Greene Playground, including the relocation of the D&D pool, would occur in the No Action condition.

**Comment 1-40:**

At the salt lot, a new education and stewardship center can provide students of all ages access to salt marsh that harkens back to 400 years ago. (Gruberg\_042)

**Response 1-40:**

Comment noted.

**Comment 1-41:**

Modifications are needed to the waterfront access plan, as well as the certification process to better facilitate active uses, water access, and community oversight to really help build this plan into this wonderful vision of this resilient active green space centered on the Gowanus Canal. (Parker\_050)

**Response 1-41:**

Comment noted.

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**Comment 1-42:** The WAP should be amended to remove the additional seating at dead end barricades of our streets. These seating areas provide one more obstacle to the use of the dead-end streets to launch boats. (Foote\_023, Foote\_121, Foote\_164, GCC\_073)

Street end access to Canal waters should be improved, not removed. (Brenner\_119)

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. (Francis\_165, LeCompte\_169)

**Response 1-42:** As described in Chapter 1, “Project Description,” the Proposed Actions are the product of years of community engagement around a number of topics including waterfront access and the public realm. The proposed WAP and innovative regulations are rooted in this community engagement process and seeks to balance many, and sometimes conflicting, goals. The proposed WAP would require streets adjacent to the shore public walkway to be improved as upland access. Seating should not be preemptively deemed as incompatible with street-end designs.

**Comment 1-43:** 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 to propose traffic light, it is inappropriate as it illuminates and it’s the wrong aesthetic of our new waterfront. Low-level bollard-style of lighting, similar to what’s current at place in Whole Foods on the Canal, would be much better inclusion of night sky reflectors. (Foote\_023, Foote\_121, Foote\_164)

Allow for walkway lighting, which makes stargazing possible. (Brenner\_119)

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. (GCC\_073)

**Response 1-43:** The illumination requirements in the WAP are intended to respond to the two-sided narrow Canal context and ambient light from buildings along the shore public walkway. The WAP proposes lower illumination requirements consistent with DOT standards for sidewalks.

**Comment 1-44:** I’ve been pleased to see how the WAP has been customized for Gowanus and responsive to the lowlands plan. To work with the unique conditions of this narrow water body, typical New York City waterfront zoning is

designed for large, wide rivers, like the Hudson. And the modifications to the regulations provide more flexibility and incentives to design tidal wetlands, active program areas, and community amenities specific to the Gowanus. (Wirth\_025, Wirth\_136)

**Response 1-44:** Comment noted.

**Comment 1-45:** I support the modifications to the WAP that build in resilient high elevations for the primary path, while allowing paths to drop down for water access and get downs. I also suggest the planning requirements be updated to include zones of structural soil to support tree planting. There are many competing interests within the Gowanus and recent technologies like structural soil or soil cells can expand permeable space and provide space for healthy, uncompacted tree growth while still providing space for people to walk. (Wirth\_025, Wirth\_136)

**Response 1-45:** Comment noted.

**Comment 1-46:** I request that that City advance a collective agency vision for publicly owned street ends. These are critical interfaces between the Canal, the street network, private sites, and the public esplanade. They're also messy regulatory zones of overlapping interagency jurisdictions, including DEP, which makes it extraordinarily difficult to advance pedestrian-scale and human-oriented gathering places that would complete the public realm lining the Gowanus. 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 will end up as large expanses of impermeable surface. We do not want to miss this opportunity to improve the Canal's resilience, permeability, and reduce urban heat island effects in this vulnerable neighborhood. (Wirth\_025, Wirth\_136)

**Response 1-46:** Comment noted. The vision as outlined in the Gowanus Plan is for a resilient, active, and thriving Canal. The Proposed Actions and WAP would allow and encourage innovative policies and programming in the waterfront public access areas.

**Comment 1-47:** Areas of the WAP, outlined below, should be modified to create more accessible, ecological, diverse, and active esplanades along the water. (GCC\_073)

- 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

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development site,” in order to encourage stormwater management at the street ends. (GCC\_073)

- The term ‘hazard to traffic safety’ in ZR Section 139-44 should be rephrased to ‘hazard to pedestrian safety,’ to ensure that the requirement is only waived in the most necessary of situations. (GCC\_073)
- 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. (GCC\_073)

**Response 1-47:** Comment noted. The proposed terms used in the text of the GSD are encompassing of potential safety hazards. The request related to the forthcoming stormwater rule is out of scope of the Proposed Actions.

**Comment 1-48:** 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. (GCC\_073)

**Response 1-48:** Comment noted.

**Comment 1-49:** In *139-545 Special design standards for paving*, the text should allow ADA compliant 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. (GCC\_073)

**Response 1-49:** Comment noted. The regulations, including special design standards for lighting are standard Citywide regulations. The proposed regulations for paving are in keeping with standards applicable to waterfronts Citywide. While grates are not allowed in required circulation paths, permeable surfaces can be provided elsewhere in the WPAA.

**Comment 1-50:** 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. (GCC\_073)

**Response 1-50:** Comment noted. The WAP regulations, including special design standards for lighting were developed in collaboration with DCP, NYC Parks, and DOT and the Gowanus Canal Conservancy. The WAP allows for in-kind comparable modification in coordination with DOT and DCP.

**Comment 1-51:** *139-16* should be modified to replace the generic WAP logo with a more locally contextual image. (GCC\_073)

**Response 1-51:** Comment noted. The WAP logo should be consistent across New York City to encourage wayfinding and delineate public spaces.

**Comment 1-52:** *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. (GCC\_073)

**Response 1-52:** Comment noted. The WAP regulations have been tailored to promote design flexibility while also maintaining other critical elements of waterfront public access areas. The circulation path requirement is meant to ensure a majority of the path is elevated above daily tidal inundation projections based on sea level rise projections for 2100.

**Comment 1-53:** *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

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planted) that is situated below mean high tide to also count towards the waterfront yard calculation. (GCC\_073)

**Response 1-53:** Comment noted. The WAP allows relief to be sought to waive requirements in the event boat access is provided.

**Comment 1-54:** 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. (GCC\_073)

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. (Francis\_165, LeCompte\_169)

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. (Francis\_165, LeCompte\_169)

**Response 1-54:** The Gowanus Plan supports the goal of future recreational use of the Canal as it gets remediated. However, boat launch or in-water access requirements are not advisable. The WAP is a framework for open spaces along the shoreline that seeks to encourage and incentivize a diversity of experiences and design outcomes. Requiring in-water access may preclude future designs from providing other amenities and programming the community desires or discourage other Canal designs from providing in-water access. WPAA requirements are based on ensuring human comfort while programmatic elements are allowed or incentivized to promote variety and flexibility over time. In water access feasibility is based on site conditions, availability of an operator and other considerations and a requirement is inadvisable and premature.

**Comment 1-55:** *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. (GCC\_073)

**Response 1-55:** Comment noted. The WAP does not propose changes related to structural soil and planting requirements.

**Comment 1-56:** *139-544* should also allow plantings below boardwalks to count towards the planting requirement. (GCC\_073)

**Response 1-56:** Comment noted. The WAP does not propose changes related to structural soil and planting requirements.

- Comment 1-57:** 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. (GCC\_073)
- Response 1-57:** Comment noted. A Parks Improvement District is beyond the scope of the Proposed Actions, and as noted, is a community driven process. The City would support the community with technical assistance in this community driven exploration.
- Comment 1-58:** With respect to amenities in ZR Section 139-544, the allowable square feet and BBQs should be allowed to account towards a reduction in the planting requirement. The allowable square feet planting reductions per feature (i.e., 22 sf for picnic table, 100 sf for public art pieces) should be modified to be proportional to the size of the feature. BBQs, an amenity the community has repeatedly asked for, should be included to count towards a reduction in the planting requirement. (GCC\_073)
- Response 1-58:** Comment noted. BBQs are not precluded from WPAAAs. However, BBQs create unique conditions and have additional needs for maintenance that necessitate additional considerations.
- Comment 1-59:** 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. (GCC\_073)
- Response 1-59:** Comment noted. See the response to Comment 1-57.
- Comment 1-60:** 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." 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. (GCC\_073)

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**Response 1-60:** The proposed habitat enhancement at the 6th Street Turning Basin is currently under evaluation by the City. The reference to the status of the 6th Street Turning Basin habitat enhancement project has been modified in Chapter 9, “Natural Resources” of the FEIS.

**Comment 1-61:** 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.

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. 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. (450 Union LLC\_152, Gowanus Forward\_153)

**Response 1-61:** Comment noted.

**Comment 1-62:** Water access at Douglass St. and 2nd Ave needs maintenance, a condition to improve on water access should be added [to the WAP]. (Brenner\_119)

**Response 1-62:** Comment noted. The WAP provides incentives for inclusion of in-water access as part of a wholistic design for WPAAAs.

**Comment 1-63:** I ask that the DEIS disclose 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. (Foote\_164)

**Response 1-63:** The request to assess social and racial impacts of street end design is beyond the scope of CEQR and SEQRA. Waterfront access at open spaces created under the WAP would be accessible to all the public.

**Comment 1-64:** 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. (Francis\_165)

**Response 1-64:** Comment noted. The Proposed Actions, through the WAP, would support the creation of new waterfront open spaces along the Canal that would create an active and vibrant shoreline. Along with the WAP and proposed street and park mappings, the Proposed Actions would reknit the community to the Canal shoreline, which today is characterized by private property with no waterfront access. The Proposed Actions would provide access to the water with several points of access along the shoreline. While in-water access requirements are not part of the Proposed Actions, DCP, NYC Parks and community will advocate for incorporation in waterfront designs where it is appropriate, feasible and an operator has been identified and confirmed. On City-owned sites where public design discussions have not already occurred, in-water access can be contemplated and debated along with other programming and amenities that the community wants to see in the future.

**Comment 1-65:** 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). (Francis\_165, LeCompte\_169)

**Response 1-65:** The Proposed Actions would not affect the navigability of the Canal and would not result in the construction of any new bridges or Canal crossings.

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**Comment 1-66:** 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. (Francis\_165, LeCompte\_169)

**Response 1-66:** Comment noted. See the responses to Comments 1-46, 1-49, 1-50, and 1-54.

**Comment 1-67:** 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. (Francis\_165, LeCompte\_169)

The Gowanus Canal should continue to safely provide appropriate publicly accessible launching facilities for small rowboats and canoes. (Greenfield\_154)

**Response 1-67:** Comment noted.

**Comment 1-68:** 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. (Francis\_165, LeCompte\_169)

**Response 1-68:** The classification of the Canal is beyond the scope of the EIS. EPA, with state and local input, sets the cleanup standard for the Canal and DEC classifies state waterbodies.

### *PUBLIC PLACE/GOWANUS GREEN*

**Comment 1-69:** Marvel are the lead Architects and designers for the Gowanus Green project at the public place site. We, along with Jonathan Rose Companies, the Fifth Avenue Committee, and the Blue Stone Organization are part of the development team. The project would provide 950 units and would be 100 percent affordable. Over the course of the past number of years we participated in community workshops with the CB 6 community members to establish and promote key design principles on which to base Gowanus Green. 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. The creation of a quality public realm has been a key goal for the design team throughout the design process. Working with landscape architects, we've designed a series of active and passive landscape places, which will connect with the future park along the Gowanus Canal. These landscape spaces incorporate bioswales and rain gardens, which form the basis of our goal to divert 100% of the onsite stormwater away from the Canal and have a net zero CSO development, promoting a long-term vision for resiliency and sustainability for the community. We've striven to design the massing of the proposed seven buildings on the public place site with sensitivity for context, creating a lower contextual base building height along Smith Street and Fifth Street and Canal frontage, positioning the tower building elements towards the center of the site. The flexibility built into the proposed zoning text allows us to modulate these building heights to the benefit of the street-level pedestrian experience. (Healy\_010)

**Response 1-69:**

Comment noted.

**Comment 1-70:**

The [Gowanus Green] development would place thousands of people in a former gas manufacturer plant site and is located next to a federal superfund site. And it's really a shame that the only substantial affordable housing targeted in the Gowanus rezoning is planned for this site. It really needs to be reconsidered. (Ishenko\_038, Smith\_141)

**Response 1-70:**

Independent of the Proposed Actions this site is being remediated by National Grid to a level that allows residential and public open space uses. Subsequent to that remediation, which is being overseen by DEC in close coordination with EPA, measures would be implemented as part of the design, construction, and operation of new buildings constructed as part of Gowanus Green to preclude the potential for exposure to contaminants. The Public Place site is not the only site in the rezoning area where affordable housing would be provided. Under the Proposed Project, the Public Place site, which is City-owned (i.e., the proposed Gowanus Green development) would provide 950 units of 100 percent affordable housing, a new school, and new open space. On private sites, the Proposed Actions are projected to result in a net increase of approximately 2,000 permanently affordable units in accordance with the Mandatory Inclusionary Housing Program.

**Comment 1-71:**

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 at Gowanus Green. Over 50% of those units will be dedicated to household earning less than 50% of the area median income, a big step towards the City's goal of affirmatively furthering fair housing

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in neighborhoods like Gowanus. The project will offer senior housing, supportive housing, and opportunities for affordable homeownership serving New Yorkers with a wide range of housing needs and publicly accessible open space, including a network of rain gardens that will connect residents to a one-and-a-half acre mapped public park. Our site plan also provides a site for future public school, neighborhood-serving retail on Smith Street and a range of community amenities. Lastly, Gowanus Green will be more sustainable and resilient than initially proposed or project will implement a range of innovating stormwater and wastewater strategies to combat CSO events. Our buildings will be elevated six feet above 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. The site will also be one of many former MGP sites to have been successfully remediated and our team is committed to continuing to work with DEC, EPA, the City, and National Grid to ensure that the site is safe for all future residents. (Foley\_018)

**Response 1-71:** Comment noted.

**Comment 1-72:** FAC is proud of Gowanus Green, which will create 950 units of affordable housing, a new public park, and a new public school. Gowanus Green will serve New Yorkers with a range of incomes and needs. At least 50% of the rental units will be dedicated to household incomes at or below 50% of area median income, which is about \$54,000 for a family of three. Fifty percent of the rental units will be for formerly homeless households. 115 units will be for affordable senior housing, and 73 units will be supportive housing for disabled individuals. There are experts here today to address the questions about the environmental remediation of the Gowanus Green site, but I want to assure you that the Fifth Avenue Committee is deeply committed to ensuring the health and safety of the site. (Yager\_021)

**Response 1-72:** Comment noted.

**Comment 1-73:** The Fifth Avenue Committee is deeply committed to the health and safety of Gowanus Green residents for the long-standing mission to advance economic, social, and racial justice. The Fifth Avenue Committee's work has included climate and environmental justice organizing for more than a decade; the Fifth Avenue Committee would never be a part of redeveloping a site that wasn't safe for its future residents. (Gilmore\_027)

**Response 1-73:** Comment noted.



**Comment 1-74:** We'd like to query whether the site actually qualifies as municipal parkland under New York State law due to prior City Planning Commission actions dating back to 1974. (Thayer\_053)

**Response 1-74:** In 1974, the site presently comprised of Brooklyn Block 471/Lots 1 and 100, was designated as a "Public Place" on the City Map to restrict future private manufacturing uses that would be incompatible with the surrounding area, while allowing a broad range of uses that would serve a public purpose, including but not limited to recreation. Public Place designations are discretionary approvals and can be rescinded by the City, as proposed under the Proposed Actions.

**Comment 1-75:** We would like to know if any alternative land use actions for Block 471 under the rezoning proposal would require New York State legislative approval prior to municipal approval under the New York State Park Land Alienation Law. We'd like to make a request at this hearing for clarification on that issue from DCP. (Thayer\_053)

**Response 1-75:** See the response to Comment 1-74.

**Comment 1-76:** 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 overstress our fragile infrastructure including subways and sewers, and will adversely impact community public goods including affordable housing and parks. (Constanino\_116)

**Response 1-76:** The Public Place site would include new parks and open space, as well as needed 100 percent affordable housing and a new school. The redevelopment of the Public Place site with the Gowanus Green development would transform a vacant, contaminated and derelict parcel of City-owned land to a mixed-use sustainable development with waterfront open space and other amenities for the neighborhood.

*BULK REGULATIONS*

**Comment 1-77:** 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 equip-

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ment, mechanical equipment, etc., must be screened. Except for parapets, all permitted obstructions must be set back a minimum of 10' from the roof perimeter. (CB6\_001)

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 thought 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 doesn't reflect the communities needs or wants despite a series of orchestrated visioning sessions. (LaViolette\_168)

**Response 1-77:** Developments could not exceed the maximum building heights allowed under the GSD even if a development utilizes air rights from adjacent parcels. Permitted obstructions are allowed to penetrate maximum heights and with good cause, especially in areas along the waterfront or in flood zones. Permitted obstructions give flexibility to elevate mechanicals out of flood risk and to comply with the latest construction and fire codes.

### *MIH AND HOUSING*

**Comment 1-78:** 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).<sup>3</sup> 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. (CB6\_001)

**Response 1-78:** The MIH option(s) for the Proposed Actions is to be finalized as part of the ULURP review. As described in this FEIS, Option 1 requires 25 percent of residential floor area to be for affordable housing units for households with incomes averaging 60 percent of the Area Median Income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent of AMI. Option 2 requires 30 percent of residential floor area to be for affordable to households with an average of 80 percent of AMI. Additionally, an

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<sup>3</sup> 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.

Option 3 could also be applied in conjunction with Options 1 or 2. Option 3 requires that 20 percent of the residential floor area be affordable to residents at 40 percent AMI.

**Comment 1-79:** 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. (CB6\_001)

**Response 1-79:** Comment noted.

**Comment 1-80:** 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. (CB6\_001)

**Response 1-80:** MIH is a Citywide program that allows affordable units required under the program to be provided offsite. These off-site units must be within ½-mile of the MIH development or in the same Community District. There is an additional five-percent affordable housing requirement for this off-site option.

**Comment 1-81:** 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 such as housing for young adults transitioning out of foster care and the shelter system. (CB6\_001)

**Response 1-81:** Comment noted.

**Comment 1-82:** Who should have community preference in this rezoning if we are going to rezone whiter, wealthier neighborhoods with the goal of integration and inclusion. We might have to think a little more broadly and the Community Board recommends that. It is sure worth looking at [as we think] about whether there's opportunities there as well as the depth of affordability. (Lander\_002)

**Response 1-82:** Comment noted. The ULURP public review process provides an opportunity to engage the public and frame the final zoning proposal.

**Comment 1-83:** The Public Place site includes 950 units: I actually think the mix looks great, half the units will be below fifty percent AMI, they will all be

## **Gowanus Neighborhood Rezoning and Related Actions**

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subject to the City's affordable housing program, there's some home ownership that goes up further. (Lander\_002)

**Response 1-83:** Comment noted.

**Comment 1-84:** Regarding MIH, I've been clear that, under the current structure we have, I would only feel comfortable—and the Community Board recommends as well—mapping Option 1 with Option 3, the twenty-five percent at or below sixty percent AMI with at least ten percent of that at or below forty percent AMI. To be honest, getting more of those units at or below forty percent would be great. This is a challenging part of MIH as a neighborhood tool, because if we said everywhere on every single site, it had to be twenty percent at or below forty percent AMI, we would meet where the greatest need is for sure. But I also think those families at sixty or eighty who can't afford to live in the neighborhood today who get a chance to live there. I welcome them also so Option 1 with Option 3 mapped if there's a way to get it deeper so we get some more forty percent units, which are the most needed, I'd love to that as well. (Lander\_002)

**Response 1-84:** Comment noted. It is expected that the MIH option for the rezoning area will be selected when the ULURP application is reviewed by the City Council.

**Comment 1-85:** The rezoning is fundamentally flawed with missed planning opportunities, questionable environmental findings and inadequate community engagement to be supported as proposed. Like other neighborhood rezonings the Gowanus proposal follows a similar path or familiar path framed under the banner of increasing affordable housing through mandatory inclusionary housing. While MIH is a useful tool it is one that is more about increasing market-rate and affordable units than it is about ensuring Gowanus is accessible to all members of the community as a City and then Gowanus, we should not just be planning for growth; the opportunities are within the City's grasp. (Devaney\_006, Devaney\_163)

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. (Devaney\_163)

**Response 1-85:** The zoning proposal is based on an extensive public engagement process that has spanned years and involved hundreds of hours of community meetings and presentations. Beginning in October of 2016, DCP, along with other agencies, undertook public outreach to thousands of community stakeholders—residents, workers, business owners, and

elected officials— including large public events and smaller working group meetings. Since the release of the draft zoning proposal in January 2019, DCP and the inter-agency team have held and attended numerous public events. In February 2019, DCP held an open house where the public was invited to learn about the progress made in planning for Gowanus. Since then, DCP and the inter-agency team have held and attended numerous public events and met with CB6, community groups, elected officials, and stakeholders to discuss, share information, answer questions, and receive input on a variety of topics including the draft zoning proposal, housing affordability, MIH, the Waterfront Access Plan, and emergency preparedness planning. Subsequent to the ULURP certification in April 2021, the DCP has presented to the community boards, Borough President and City Planning Commission. MIH is intended to expand the supply of affordable housing by harnessing the private market to provide affordable units in rezoned areas. In Gowanus, rezoning to allow housing and implementing MIH is an important tool to support housing affordability.

**Comment 1-86:** To address racial disparities and displacement, preparing communities for a more livable future by improving water and air quality, planning for flood risk increasing access to opportunity for all residents, regardless of income and, ultimately, increasing housing choice for the most vulnerable New Yorkers with the rezoning, we would like to see Gowanus be the big step the City takes to ensure that lower income residents will not struggle to remain in the Community, [As proposed, the rezoning can achieve these goals]. (Devaney\_006)

**Response 1-86:** Comment noted.

**Comment 1-87:** The rezoning should 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. (Oesau\_007)

**Response 1-87:** The Proposed Actions would comprehensively update the zoning in the Project Area to allow a wide range of uses, including incentives to provide arts-related uses in new mixed-use developments. More broadly, the Proposed Actions would increase the supply of affordable throughout the neighborhood potentially allowing artists and others employed in creative sectors to live in Gowanus.

**Comment 1-88:** The Gowanus rezoning is the first rezoning where the EIS finds that the new housing would bring in a lower-income population in total than exists today through the affordable housing that MIH would provide. This

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makes it all the more imperative that the deepest MIH options, 1 and 3, be mapped as part of the rezoning. (Walters\_009)

**Response 1-88:** Comment noted.

**Comment 1-89:** I'm here today to testify and support Gowanus Green and in support of the Gowanus Neighborhood Coalition for Justice's priorities. Because of the significant number of deeply and permanently affordable housing units that will be build, the Gowanus areawide rezoning proposal will help advance fair housing and equity. (Yager\_021)

I 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. (Meehan\_126)

**Response 1-89:** Comment noted.

**Comment 1-90:** The affordable housing created through MIH and Gowanus Green will be permanently and deeply affordable, and we must not miss this opportunity to address the substantial needs of our local developments. I urge you to support Gowanus Green and GNCJ's priorities as part of your yes vote on the Gowanus areawide rezoning. (Yager\_021)

**Response 1-90:** Comment noted.

**Comment 1-91:** I'd like to emphasize our affordable housing demands, including creating an affordable housing preference for local Community District 6 NYCHA residents and prioritizing 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. (Marquez Reagan\_022)

**Response 1-91:** Comment noted.

**Comment 1-92:** The City must only map the deepest MIH options Option 1 at 25% of units at 60% AMI and Option 3, 20% of units at 40% AMI. Options 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 and 60% 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 also mandate lower MIH levels for private

developers. Developments along the Gowanus Canal must commit to deeper affordability than MIH alone by providing 25% permanently affordable housing on an average of 50% AMI, with 10% at 30% AMI. (Marquez Reagan\_022)

**Response 1-92:** Comment noted. See the response to Comment 1-78.

**Comment 1-93:** The rezoning is not about affordable housing, it is mostly about creating luxury housing, with a thin crust of what is called affordable housing. (Vogel\_046)

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. (Benn\_118)

**Response 1-93:** One of the primary goals of the Proposed Actions is to increase the supply of affordable housing. On private sites, the Proposed Actions are expected to result in a net increase of approximately 2,000 permanently affordable units in accordance with the Mandatory Inclusionary Housing Program. On public sites, the Proposed Actions would result in approximately 1,000 units of affordable housing, including 950 units of 100 percent affordable housing at the Public Place site (Gowanus Green).

**Comment 1-94:** 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 low-income community and provides the opportunity for NYCHA residents to move into other affordable housing locally. 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. 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. 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. (GNCJ\_167)

**Response 1-94:** The Gowanus Green development would provide 950 units that would be 100 percent affordable. Further, MIH includes a deeper affordability option that calls for 20 percent of the affordable housing floor area to be reserved for households earning an average of 40 percent of AMI, which may include households earning less than 40 percent of AMI. This option

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may be selected by the City Council at the time of adoption of the Proposed Actions.

**Comment 1-95:** 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. (GNCJ\_167)

**Response 1-95:** Comment noted. See the responses to Comments 1-78 and 1-94.

**Comment 1-96:** 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. (GNCJ\_167)

**Response 1-96:** The Neighborhood Plan includes strategies to protect tenants, including continuing to work with the City's Tenant Harassment Prevention Task Force to establish free legal representation to Gowanus tenants facing harassment.

### *NYCHA*

**Comment 1-97:** 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. 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. (CB6\_001)

**Response 1-97:** Comment noted.



**Comment 1-98:** 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. (CB6\_001)

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 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. (Cheney\_017, Cheney\_128)

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. (Britt\_120)

I'm testifying in support of the Gowanus rezoning if it includes a dedicated capital commitment for repairs and upgrades at the local NYCHA developments. Upzoning higher-income neighborhoods like this is a policy with wide appeal. Bringing affordable housing to Gowanus would help make it more economically and racially diverse. The affordable housing will also create jobs and spur needed economic recovery. Researchers found that 100 units of affordable housing construction creates 230 jobs and \$46 million in economic activity as the economy struggles to recover opportunities, the Gowanus Rezoning can create needed affordable housing, unlock new tax revenue, refill the construction pipeline, and help local businesses. (Cheney\_017, Cheney\_128)

**Response 1-98:** As part of the Neighborhood Plan, the City has engaged residents at the area NYCHA developments and is aware of, and is working towards addressing, the capital needs investment in repairs to these NYCHA buildings. However, NYCHA repairs and the funding needed to address conditions at the buildings are not under the purview of CPC and the zoning actions considered in the DEIS. See also the response to Comment 1-84.

**Comment 1-99:** 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

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housing is directed, whenever possible, to public housing residents and other low and very low-income residents. (CB6\_001)

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. (GNCJ\_167)

**Response 1-99:** Comment noted.

**Comment 1-100:** To truly do this you must also fund the preservation of Gowanus Houses and Wyckoff Gardens, and do so in a way that local NYCHA leaders support this rezoning. You must also map mandatory inclusionary housing option one and the deep affordability option to promote inclusion. (Yager\_021)

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 in Gowanus Houses and Wyckoff Gardens, where residents have been living in sub-standard and often dangerous conditions. (Neuman\_041)

Advancing racial equity only works if that principle is central to all aspects of the rezoning. This means upfront funding for capital needs at local NYCHA developments for Gowanus Houses and Wyckoff Gardens of over \$200 million. Preserving this vital source of affordable housing is crucial for the neighborhood's future; if its capital needs aren't met, its residents stand a chance of being displaced. (Walters\_009)

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 NYCHA. I asked you to engage with 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 add up to 120 million dollars of need that City Hall has seen there and there's even more if you look at the physical needs assessment. 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 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. (Lander\_002)

Funding and commitments to improve the living conditions of Gowanus Houses and Wyckoff Gardens residents must be secured. (Britt\_012)

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. (Briggs\_113)

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. The rezoning must also generate significant investment to meet the capital needs at the three nearby NYCHA campuses. To that end, the City needs to commit 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. 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 to NYCHA improvements. (Devaney\_163)

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. (GNCJ\_167, Woodhead II\_170)

The Rezoning must be accompanied by a substantial investment in public housing in our community of roughly \$274 million. 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. (CB6\_001)

Where is City and NYCHA at with respect to the \$237 million needed for the 3 NYCHA complexes immediately outside the rezoning area? (Amott\_069)

**Response 1-100:**

Public housing and the residents within public housing were not excluded from the Neighborhood Plan or planning process. The adjacent NYCHA

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developments (Gowanus Houses, Wyckoff Gardens, and Warren Street Houses) are not identified as being located within the rezoning area or Project Area because they are not proposed to be rezoned. The DEIS assesses the effects of the Proposed Actions in the context of a “study area” for each technical analysis category. The geographic bounds of a study area can vary depending on which technical area is being assessed. However, all or part of the NYCHA developments in the Gowanus neighborhood are included in study areas as required for CEQR impact assessments in the EIS.

As part of the Neighborhood Plan, the City has engaged residents at the area NYCHA developments and is aware of, and working towards addressing, the capital needs investment in repairs to these NYCHA buildings. However, NYCHA repairs and the funding needed to address conditions at the buildings are not under the purview of the CPC and the zoning actions considered in the DEIS. Additionally, the Proposed Actions do not propose land use actions on the adjacent NYCHA properties.

**Comment 1-101:** The City must 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. Safe and healthy housing is a human right, and by honoring these demands, the City is taking a step towards housing justice. (Marquez Reagan\_022)

**Response 1-101:** Although health and safety conditions in public housing are not under the control of DCP, the Gowanus Plan and the Proposed Actions reflect DCP’s ongoing engagement process with community stakeholders, including public housing residents, and the objective of improving housing opportunity and choice in the Gowanus area. The Proposed Actions are aimed at supporting health and social resilience at a community scale through, among other objectives, the creation of new, permanently affordable housing for low- and moderate-income residents, remediation of sites affected by the neighborhood’s history of industrial activity, and creation of new public open space and neighborhood parks.

**Comment 1-102:** 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. 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. (GNCJ\_167)

**Response 1-102:** See the response to Comment 1-100. The DEIS contains an analysis of the potential for residential displacement in Chapter 4, “Socioeconomic Conditions.” Because units in NYCHA public housing are rent-protected, no secondary displacement of public housing residents is expected with the Proposed Actions.

**Comment 1-103:** GNCJ demands that the City increase its funding offer for long-deferred maintenance and full capital needs at Gowanus Houses and Wyckoff Gardens, 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. (GNCJ\_167)

**Response 1-103:** Comment noted. See the response to Comment 1-100.

**Comment 1-104:** 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. The FEIS must analyze the risk of displacement from the ongoing RAD program at Warren Street Houses. (GNCJ\_167)

**Response 1-104:** The potential displacement caused by the RAD program is beyond the scope of the DEIs for the Proposed Actions.

**Comment 1-105:** 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. (GNCJ\_167)

**Response 1-105:** Comment noted.

**Comment 1-106:** 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. Most notably is the Report’s 1st

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recommendation to preserve existing public housing in Gowanus. (GNCJ\_167)

**Response 1-106:** Comment noted. See the response to Comment 1-100.

**Comment 1-107:** 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. (GNCJ\_167)

**Response 1-107:** The requested abatement measures and reporting of NYCHA mechanical system, including indoor air quality reports, are beyond the scope of the land use actions. As part of the Neighborhood Plan the City team, in coordination with NYCHA, has engaged with the Gowanus, Wyckoff Gardens, and Warren Street Houses' communities, and will continue to explore potential investments that are outside of the scope of the Proposed Actions.

**Comment 1-108:** 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, but also for building system heat, water and gas outages that regularly impact local public housing residents. (GNCJ\_167)

**Response 1-108:** DCP has coordinated with NYC Emergency Management (NYCEM) through development of the Proposed Actions and Gowanus Plan, and the agencies have engaged with various community groups and stakeholders to discuss equitable, community-driven emergency preparedness planning for Gowanus today and in the future.

### *IMPLEMENTATION*

**Comment 1-109:** 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 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.<sup>2</sup> 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 (CB6\_001)

**Response 1-109:** Comment noted. The City is actively engaged with the community around implementation of the Plan and various proposals for continued coordination post-adoption of the land use actions.

**Comment 1-110:** 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. (CB6\_001)

**Response 1-110:** Comment noted. The City is actively engaged with the community around implementation of the Plan and various proposals for continue coordination post-adoption of the land use actions. The Proposed Actions are intended to facilitate as-of-right development to meet the long-term vision of a sustainable, mixed-use neighborhood. The described phased zoning approach or staggered effective dates would undermine predictability and deter investment for the community, developers and government agencies working in tandem and in parallel to align resources and policies to accommodate growth and shape the future of the neighborhood.

*ZONING*

**Comment 1-111:** [During the public engagement and neighborhood planning process, the community was dealing with the effects of the rezoning of 4th Avenue, specifically the lack of ground-floor transparency and/or active use requirements. The result was hideous—we got a series of parking garages. It is appropriate to consider what the market sustain as we are thinking about new development. But it’s also appropriate for the community to have a say in the vision of 4th Avenue, and what the community is willing to live with. This needs to be factored into a plan

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that can sustain a community that is livable. A set of blank walls and parking garages was really a terrible outcome on 4th Avenue of an action that the City took. (Lander\_002)

**Response 1-111:** Comment noted. The Proposed Actions have been designed to activate the ground floors and street frontages with updated parking requirements, and requirements for active non-residential / commercial uses and minimum levels of transparency.

**Comment 1-112:** You could use your Gowanus mix option that's a space that you are not required, that 0.3 FAR you don't have to build, but you could. But I believe you can use it to satisfy your active ground-floor use requirements so if you're a developer who is anxious that there's already more than enough dry cleaners. There's definitely not enough space in New York City for the kinds of uses that the Gowanus mix offers that is something that we need more of that I feel we're going to lose some of in Gowanus through conversion and having space for artisan light manufacturing and nonprofit uses to me that's what is so important about trying to preserve the character of Gowanus and if we center that around the Canal through this Gowanus mixed space and around Thomas Greene Park. 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, for those kinds of uses that will generate more demand and really make this neighborhood a more economically vibrant and attractive place. (Lander\_002)

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. 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. (Kutz\_157)

**Response 1-112:** The Proposed Actions would apply incentives to districts that are primarily proposed along the Canal and around Thomas Greene



Playground to promote mixed-use residential buildings that include a diversity of non-residential uses. One would incentivize the inclusion of a wide range of non-residential uses allowed in the proposed districts. The other would incentivize inclusion of a more specific set of uses that include light industry, arts-related, cultural, and civic uses; and repair and production services.

**Comment 1-113:** The Gowanus mix should be a mandate, not an option. Co-location of businesses is more successful. Gowanus needs more artisan space, light manufacturing, and nonprofit space. These uses make Gowanus a compelling place. It is important to preserve the character of Gowanus. This will make it more vibrant and attract economic activity. (Lander\_002)

**Response 1-113:** Comment noted. See the response to Comment 1-118.

**Comment 1-114:** With this rezoning, there's an opportunity to have a vision of something that's pretty compelling where what activates the Canal and makes it a compelling place skews more of these arts/artisan light manufacturing and nonprofit uses that we really want to grow here; so anyway, let's keep this coming, I think that's important and the other is recognizing that if we shrink where some of this can be because we want to sort of make it the right size. (Lander\_002)

**Response 1-114:** The Proposed Actions would facilitate the creation of neighborhood parks and a new waterfront esplanade along the Canal that would be accessible to the public, and new mixed-use development that incentivizes the mix of arts-related, light industrial, and maker uses identified by Gowanus stakeholders during the planning process.

**Comment 1-115:** More than five years ago the Can Factory presented an expansion plan for its site that would increase the amount of cultural civic space, more workspace, and a more substantial number of live/work units with a percentage dedicated to ageing senior artists, in addition to the affordable housing required by MIH. However, the current zoning proposed for the Can Factory site limits heights to 145 feet down from the current sky exposure plane and half of the height proposed elsewhere in Gowanus. This limitation allows only 65% of the proposed FAR to be realized, making the project unviable. The Can Factory team proposed to DCP an as-of-right path to resolve this limitation. By including a certification to be granted, only with a commitment to provide no less than 20% of the development to be committed to the Gowanus Mix of uses in perpetuity, in addition to other requirements. Instead, DCP proposed an authorization

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path that wishes to provide relief, but instead adds additional punitive restrictions on the amount of residential uses. (Elbogen\_035)

**Response 1-115:** Comment noted. The Proposed Actions would allow residential use at the Can Factory which is not currently allowed under the existing C8-2 zoning. In addition to allowing a range of new uses, including residential use, the Proposed Actions would create an authorization to allow bulk modifications for height and setback regulations and ground-floor and supplemental use regulations. In addition to the authorization created GSD, the Can Factory could also pursue the existing Zoning Resolution Section 74-711, which would afford similar bulk relief without specific use thresholds.

**Comment 1-116:** The Gowanus rezoning proposal before us today encompasses too large a footprint; it stretches too far north and south along Fourth Avenue into areas that are Gowanus in no one's mind. (Simon\_004, Simon\_155)

The FAR increases are far beyond that which the community process had identified as the maximum acceptable. (Simon\_004)

**Response 1-116:** A portion of 4th Avenue was rezoned in 2003 to R8A/C2-4. The rezoning leveraged 4th Avenue's width and access to transit to accommodate new housing, albeit without any zoning tools to encourage or require the inclusion of affordable housing. New residential developments are not currently required to provide affordable housing. The Proposed Actions would map Mandatory Inclusionary Housing on the 4th Avenue corridor from Pacific Street to 15th Street, which would help facilitate mixed-income communities by requiring permanently affordable housing units, through the application of MIH, to be included in any new residential development, which is not required by zoning today.

The proposed densities were calibrated to facilitate the goals and objectives of the Plan. The community overwhelmingly identified housing, job creation, and maintaining the Gowanus mix as land use objectives for the neighborhood. The goals and objectives of the Proposed Actions include providing opportunities for the creation of new, permanently affordable housing with options for low- and moderate-income households, promoting the development of new job-generating uses through increased industrial and commercial densities, activating key areas of Gowanus by allowing higher densities and a broader range of uses and incentivizing or requiring non-residential uses in select areas. Further, the transit-rich nature of the Project Area is appropriate for increased residential and commercial FARs.

**Comment 1-117:** We applaud the reduction of parking requirements included in the current proposal, but we also encourage the Commission to actually lower or eliminate parking requirements altogether. Parking significantly adds to housing costs and the neighborhood is well served by transit. Further reducing or eliminating parking requirements would discourage vehicle use, potentially lowering the number of traffic deaths, encourage the use of mass transit, and help the City meet its carbon reduction goals. (Britt\_012, Meehan\_126, Motzny\_031, Thomas\_029, Thornton\_134)

**Response 1-117:** Comment noted.

**Comment 1-118:** 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 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. (CB6\_001)

**Response 1-118:** The Proposed Actions would apply supplemental ground floor requirements along key corridors (4th and 3rd Avenues, Union and 3rd Streets) and around certain planned investments and improvements (Thomas Greene Playground) and would require active ground floor use requirements at Canal crossings, including the public esplanade. The ground floor requirements are expected to activate key corridors and are part of a comprehensive approach to supporting a mixed-use neighborhood. The floor area incentive on Canal-fronting sites to support space for job-generating uses, such as commercial, office-based, and industrial uses, a portion of which would be for a specific light industrial, arts, and repair-based uses, would reinforce the neighborhood's existing mixed-use character and promote walk-to-work opportunities for current and future residents. Developers are expected to utilize this incentive at certain properties given the additional floor area that would be allowed and the flexibility in leasing ground floor spaces.

Mandating or further curating uses is not supported by DCP or research and analysis on this topic. In developing the Gowanus proposal hand in hand with the community, DCP looked broadly at mixed-use development feasibility. Research detailed in *Can Industrial Mixed-Use Buildings Work in NYC?*<sup>4</sup> analyzed the feasibility of these buildings, for which there are few precedents, from three perspectives: tenanting and operational compatibility, physical feasibility, and financial feasibility. The study found that construction of new industrial mixed-use buildings

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<sup>4</sup> <https://www1.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/can-industrial-mixed-use-buildings-work-in-nyc.pdf>

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can be feasible with certain compatible tenant mixes, suitable sites, and favorable real estate market conditions. However, these buildings face a number of physical and financial constraints and should not be expected to comprise the prevailing building type within any area. Based on these conclusions, the City can support individual projects on an opportunistic basis in cases where such developments are feasible. The report did find that Gowanus was one of the few optimistic places for mixed use. The Proposed Actions, therefore, include two non-residential use incentives along with broad non-residential ground floor requirements. Mandating the non-residential use incentives would risk the entire mixed-use approach and further curation means there are less uses developments can choose from when trying to create successful mixed-use buildings.

**Comment 1-119:** The current, modest incentive 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. (CB6\_001)

**Response 1-119:** See the response to Comment 1-118. The Proposed Actions would allow existing businesses to continue to operate and expand in the neighborhood, while allowing a greater range of uses in new mixed-use developments.

**Comment 1-120:** 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. 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. (CB6\_001)

**Response 1-120:** See the response to Comment 1-118. Under the Proposed Actions artist spaces could remain with a broader range of uses in Gowanus including arts-related uses, as well as industrial, community facility, entertainment, retail, and other commercial uses. Moreover, under the Proposed Actions, these uses would be allowed to be located adjacent to or within the same building as residential uses.

**Comment 1-121:** 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. (CB6\_001)

**Response 1-121:** As described in Chapter 1, “Project Description,” of the DEIS, in addition to utilizing floor area incentives, the Proposed Actions would encourage the “Gowanus mix” and an overall mixed-use neighborhood by establishing new medium-density contextual districts that allow commercial, industrial, and community facility uses at moderate densities without parking requirements in specific appropriate locations. The “Gowanus Mix” incentive would apply where contextual manufacturing districts are paired with residential districts to support a diverse mix of uses where substantial housing growth is anticipated. The Proposed Actions are intended to help support and encourage the expansion of a variety of non-residential businesses.

**Comment 1-122:** 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. (CB6\_001)

**Response 1-122:** Comment noted. The Gowanus Plan would create a significant amount of affordable units in Gowanus, which income-qualifying artists would be able to qualify for.

**Comment 1-123:** 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 largescale 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. (CB6\_001)

**Response 1-123:** Comment noted. The Gowanus IBZ Vision Plan covers the industrial core of the Gowanus area, which is outside of the Project Area.

**Comment 1-124:** 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

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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. (CB6\_001)

**Response 1-124:** The Proposed Actions would establish special parking regulations in the Upland Mixed-Use and Canal Corridor Subareas, and at other areas such as 4th Avenue, that would include screening requirements for parking facilities. Properties fronting the Gowanus Houses and Wyckoff Gardens campuses are proposed to be zoned to allow both non-residential and residential uses. Ground floor commercial or non-residential use would be allowed, though not required.

### *ARTS AND CULTURE*

**Comment 1-125:** Based on our background NOC and Arts and Democracy are in the position to speak on the role that community-based arts and culture play in neighborhoods integrating with other sectors to redeem and realize comprehensive healthy and vibrant neighborhoods and Gowanus Arts and Culture operates beyond issues of land use. Artists, community leaders, and organizations function as cultural networks that provide goods, express the identity of their community, and elevate issues important in the neighborhood. To ensure that these systems thrive, the rezoning must also reinvest community assets and cultural hubs, especially the timely reopening of the Gowanus [Houses] Community Center. The Center has been closed for 20 years yet still operates as a lifeline for the community, a place for gathering and a lifeline during times of crisis like Hurricane Sandy COVID. With funding committed to reopen the Center, it's designed organizational structure and programming must be expedited and community-led. (Oesau\_007)

**Response 1-125:** The Neighborhood Plan calls for strategic infrastructure and community investments, such as renovating and reopening the Gowanus Houses Community Center; however, such an investment is not part of the proposed land use actions.

**Comment 1-126:** Recognize community networks, including relationships between cultural practices, industry, and the Gowanus mix. The City can reinforce these networks through local structures, like a community task force mentioned above, to foster connections in ways that operate on a development timeline beyond a planning document. (Oesau\_007)

**Response 1-126:** Comment noted.

**Comment 1-127:** The zoning text includes the unique 3 FAR for the Gowanus mix, but there's no requirement that developers take advantage of this bonus nor are there any provisions to ensure artists will be able to afford it if it's built; will we permit this rezoning to dislocate artists? To ensure our creative community can survive, we are negotiating an agreement that will provide affordable and sustainable artist workspaces, but this agreement is not yet realized. If Arts Gowanus can achieve its goals with a fair agreement with the Gowanus Neighborhood Coalition for Justice, Arts Gowanus will support this rezoning initiative. However, Arts Gowanus insists that the City Planning Commission 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. (Kutz\_036)

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. 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. (Kutz\_157)

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. (Kutz\_157)

**Response 1-127:** See the response to Comment 1-118. The ground floor requirements are expected to activate key corridors and are part of a comprehensive approach to supporting a mixed-use neighborhood. The floor area incentive on Canal-fronting sites to support space for job-generating uses, such as commercial, office-based, and industrial uses, a portion of which would be for a specific light industrial, arts, and repair-based uses, would

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reinforce the neighborhood's existing mixed-use character and promote walk-to-work opportunities for current and future residents. Developers are expected to utilize this incentive at certain properties given the additional floor area that would be allowed and the flexibility in leasing ground floor spaces.

### *EMPLOYMENT AND WORKFORCE DEVELOPMENT*

**Comment 1-128:** Zoning for industrial spaces should prioritize the hiring of local residents, especially public housing residents, to retain local talent and enterprise. (Oesau\_007)

**Response 1-128:** Hiring practices at private area businesses are beyond the scope of the Proposed Actions.

**Comment 1-129:** The City of New York needs to provide multi-year investment or have at least \$250,000 annually in programs benefitting local residents in Gowanus and Red Hook. (Lee\_008)

**Response 1-129:** Comment noted.

**Comment 1-130:** We must strengthen and protect 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 industrial spaces in the Gowanus mix that are limited to production and repair and art uses exclusively acknowledging that the IBZ is for industrial preservation specifically and analyze the effects of the rezoning on industrial businesses there and commit to deeper protections for industrial businesses in the IBZ, including a special capital commitment for infrastructure and specific dollar amounts for workforce development. (Walters\_009)

The DEIS should include a comprehensive study of the potential impacts of the proposed land use changes on the IBZ. (Devaney\_163)

**Response 1-130:** Comment noted. See the response to Comment 1-118 with respect to use requirements. The Gowanus IBZ is outside the Project Area, however, as discussed in the DEIS, the Proposed Actions are expected to be supportive of the IBZ. Further, in May 2021, DCP issued the Gowanus IBZ Vision Plan, which seeks to reinforce the IBZ as a 21st century jobs hub for industrial and commercial businesses. It includes a land use framework to inform future private land use applications and targeted infrastructure and workforce development strategies. The Vision Plan is available at <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/gowanus/gowanus-ibz-vision-plan.pdf>.



**Comment 1-131:** The City should make investments in targeted workforce development, adult education, and local hiring investments targeted towards area residents, particularly NYCHA residents to ensure that individuals with barrier to employment benefit from increased local economic activity and investment, including the provision of \$100,000 annually for 10 years to support industrial job training and a \$250,000 annual ten-year fund for an integrated service model for workforce programming in Gowanus. (GNCJ\_167)

**Response 1-131:** Specific amounts of funding for City workforce development programs are beyond the scope of the Proposed Actions assessed in the DEIS. However, Citywide, there are several well-established workforce development programs provided by the Department of Small Business Services, the Economic Development Corporation, and other public sector agencies, some of which directly serve industrial sectors. The Gowanus IBZ Vision Plan seeks to both raise awareness of these programs and build upon the services provided by local not-for-profit organizations including: South Brooklyn Industrial Development Corporation, the designated service provider for the larger Southwest Brooklyn IBZ; the Gowanus Alliance, a coalition of local industrial business and property; and Brooklyn Workforce Innovations, a local workforce development organization affiliated with the Fifth Avenue Committee.

*MAPPING ACTIONS*

**Comment 1-132:** We ask for the section of Nevins Street between Douglass and Degraw Streets be mapped so there is one continuous park from 3rd Avenue to the Canal. (Wolfe\_016)

**Response 1-132:** The request to formally map the referenced portion Nevins Street as parkland is out of ULURP scope. The WAP includes requirements to provide physical and visual connectivity between the Canal and upland areas and connectivity along the Canal by way of the proposed esplanade.

*REASONABLE WORST-CASE DEVELOPMENT SCENARIO*

**Comment 1-133:** 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). 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

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be further examined as study sites. 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*.” However, the Department of City Planning (DCP) has a track record of underestimating residential development in an adjacent neighborhood when using the same criteria.<sup>3</sup> 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. (GCC\_073)

The FEIS should include multi-family residential buildings in the RWCDs that would otherwise match the definition of a projected or potential site. (GNCJ\_167)

### **Response 1-133:**

See the response to Comment 3. The criteria by which the RWCDs for the Proposed Actions were developed are laid out in detail in the EIS. Any criteria specific to conditions in Gowanus are noted. Generally, the RWCDs states that in order to provide for a conservative analysis, standard and neighborhood-tailored criteria and methodologies were used to project future development under the Proposed Actions. For area-wide rezonings that create a broad range of development opportunities, new development is expected to occur on select, rather than all, sites within the rezoning area. Multi-unit buildings with existing individual buildings with six or more residential units are unlikely to be redeveloped because of the additional costs and complexities inherent in the required relocation of tenants in rent-stabilized units.

### *COMMITMENT TRACKER*

### **Comment 1-134:**

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. 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. (GCC\_073, GNCJ\_167)

Ongoing oversight of the commitments made through the rezoning and the EIS must be maintained after there is a new mayor and city councilperson. In the future when there is a new administration, we owe the community a way in which to continue to engage and have real confidence that the commitments made as part of this process will be kept. (Lander\_002)

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. (Briggs\_113)

We demand substantial community involvement, both in the planning of this as well as in the actual implementation of both the development and the environmental remediation. (Marcus\_019)

I'd like to use my two minutes to discuss the need for the City to create a community-based task force to hold the City and developers accountable for all the commitments made through the rezoning. Critical to the Gowanus Canal Conservancy's mission, we believe this task force must receive reporting on combined sewer overflows, water quality, and sewer modeling, as well as provide input into waterfront esplanade designs prior to certification. The creation of such a task force would ensure that the community remains empowered to engage with the rezoning as it's implemented, and would give the community a mechanism through which to ensure that the commitments that the City makes are fulfilled. (Karmali\_024)

**Response 1-134:** The City is actively engaged with the community around implementation of the Plan and various proposals for continue coordination post-adoption of the land use actions.

**Comment 1-135:** 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

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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 funding of a community construction coordinator, NYCHA liaison, and a community planner. These positions should be funded at the end of the ULURP process. (GNCJ\_167)

**Response 1-135:** The City is actively engaged with the community around implementation of the Plan and various proposals for continue coordination post-adoption of the land use actions.

### *INDUSTRIAL RETENTION*

**Comment 1-136:** 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, including a \$5 million investment in high speed internet access, a mobility study of 3rd Avenue, a flood resiliency study that anticipates climate change and population density, and \$75,000 in annual funding for 10 years for business training services for local minority and woman-owned manufacturers and entrepreneurs and Section 3 businesses. (GNCJ\_167)

**Response 1-136:** See the response to Comment 1-130.

### *GENERAL OPPOSITION*

**Comment 1-137:** The New York City group of the Sierra Club strongly opposes the Gowanus Neighborhood Rezoning; it is premature to discuss any rezoning until the cleanup is completed and evaluated by 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 superfund clean-up and the installation of the two retention tanks. The City has said that the installation of the retention tanks will not take place until June 2029 and August 2030, so why is this being rushed through at least nine years in advance of the installations? (Koteen\_039)

**Response 1-137:** Comment noted. The community has been planning and waiting for years for action to be taken to implement a vision for a cleaned up, sustainable, mixed-use Gowanus. The Gowanus Plan compliments and supplements the in-Canal cleanup with requirements for remediation of upland brownfields. Without the rezoning the neighborhood would have an incomplete cleanup. The community has waited too long for brownfields to get cleaned up and delaying action for decades longer would mean brownfields continue to sit and contamination would migrate. It is crucial

to spur remediation of these sites, especially Canal sites, as soon as possible to support the overall cleanup. Not planning for cleaning up of the upland sites through redevelopment would leave those sites fallow in a toxic state and jeopardize the community's efforts for a comprehensive cleanup.

**Comment 1-138:** We are a proud member of the Gowanus Neighborhood Coalition for Justice and, as other have said, we will not support the rezoning unless it includes full capital funding for local nature developments, 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. (Gruberg\_042)

**Response 1-138:** Comment noted. See the response to Comment 4.

**Comment 1-139:** I'm here as an individual and resident of Gowanus to honestly speak in strong opposition to the Gowanus Neighborhood Rezoning. I support the Voice of Gowanus' efforts to amplify community concerns about the disastrous rezoning that would negatively impact our neighborhood. (Vogel\_046)

**Response 1-139:** Comment noted.

**Comment 1-140:** The massive rezoning proposal is not to the advantage of local residents and businesses nor to Brooklyn itself. (Visosky\_162)

**Response 1-140:** Comment noted.

**Comment 1-141:** 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. (Kelly\_124)

**Response 1-141:** The DEIS is a disclosure document that was prepared in accordance with SEQRA and CEQR, and meets all City and State environmental review requirements. The DEIS comprehensively assesses the potential for significant adverse impacts of the Proposed Actions, proposes a range of mitigation measures for the identified impacts for decision-makers to consider as they weigh the benefits and impacts of the zoning proposal.

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**Comment 1-142:** 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. (LaViolette\_168)

**Response 1-142:** Comment noted. The Gowanus Plan is a neighborhood plan developed with community stakeholders and elected officials, in coordination with City and other public agencies, to identify needs and opportunities to support a shared long-term vision of a sustainable, inclusive, and mixed-use Gowanus. The zoning proposal takes into account land use and zoning concerns expressed by stakeholders at the many public events held on the Gowanus Plan since October 2016, and seeks to balance the varied interests of stakeholders in Gowanus.

**Comment 1-143:** Save Brooklyn from Developers. (Paterson\_161)

**Response 1-143:** Comment noted.

**Comment 1-144:** I'm speaking in opposition to the Gowanus rezoning. 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. 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. (Sielaff\_043)

**Response 1-144:** Comment noted.

## **CHAPTER 2: LAND USE, ZONING, AND PUBLIC POLICY**

**Comment 2-1:** 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. 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. (CB6\_001)

**Response 2-1:** Although outside the Proposed Project area, the IBZ Vision Plan identifies infrastructure investments to improve drainage and mobility along major corridors in the IBZ. In addition, as discussed in the Vision Plan, the City would work with local stakeholders and businesses to

identify the current needs and develop strategies to improve the speed and reliability of broadband service.

*WATERFRONT REVITALIZATION PROGRAM*

**Comment 2-2:** Rezoning will permit land elevation changes that will put residents in Gowanus Houses at an increased flood risk. (Davydova\_037)

Sea level rise and fluvial flooding already threatened Gowanus, but the rezoning would place thousands more people in a FEMA Flood Zone A, and permit land elevation changes that would put residents of the Gowanus Houses at increased flood risk. During Sandy, flooding affected the Gowanus Houses disproportionately, where residents were left without power or water 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 re grades re grading [sic] 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. (Sielaff\_043, Sielaff\_114, Terzis\_160)

**Response 2-2:** The WAP would establish elevations along Canal blocks to protect against long-term daily tidal flooding in areas that are adjacent to the Canal. In addition, the Proposed Actions would create a network of new parks and open spaces, including planted areas at street-ends. These new open spaces, in conjunction with ongoing green infrastructure investments by the City and implementation of the City's Unified Stormwater Rule, would help address localized flooding that results in water pooling in streets or basements, by limiting runoff and absorbing rainwater. The Proposed Actions would have no adverse effect on the tidal floodplain.

While the Proposed Actions would allow new residential development in FEMA Flood Zone A, new development would incorporate both structural and non-structural methods for flood risk reduction, including design measures used in the site and building designs. At sites along the Canal with required waterfront public access areas, waterfront yards could be graded to meet higher flood elevations along the building edge, while maintaining a close proximity to the shoreline along the water's edge. Buildings are also expected to be elevated to the required flood elevations, or dry or wet floodproofed, depending on the proposed use. Critical systems would be elevated or enclosed in dry floodproofed vaults. Building height may be measured from the design flood elevation (DFE), which allows for some flexibility with the design of the ground floor and locating key uses such as mechanicals and building egress. The

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Proposed Actions also include special bulk regulations for Canal sites that would provide further flexibility to meet flood-resilient construction requirements. Additionally, the Proposed Actions include requirements and incentives for non-residential uses, such as permitting non-residential uses to occupy the entirety of the ground floor, and allowing residential units to be placed beginning on the second floor, well above the current flood elevations.

**Comment 2-3:** 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.<sup>5</sup> (CB6\_001)

**Response 2-3:** DCP has coordinated with NYC Emergency Management (NYCEM) through development of the Proposed Actions and Gowanus Plan, and the agencies have engaged with various community groups and stakeholders to discuss equitable, community-driven emergency preparedness planning for Gowanus today and in the future.

**Comment 2-4:** The area is a flood zone and climate change with sea level rises need to be taken into account; I will continue to monitor the situation and further engage with the EPA and other relevant agencies. (Velazquez\_003)

**Response 2-4:** See the response to Comment 2-2. The potential risk to property and lives due to flooding and the Proposed Actions effect with respect to climate change are considered in the Waterfront Revitalization Program (WRP) Assessment (Policy 6). The WRP assessment is provided in **Appendix B-2** of this FEIS.

## **CHAPTER 3: SOCIOECONOMIC CONDITIONS**

### *RESIDENTIAL DISPLACEMENT*

**Comment 3-1:** 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. (CB6\_001)

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

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<sup>5</sup> See <http://www.readyredhook.org/>



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. (GNCJ\_167)

**Response 3-1:** The potential socioeconomic impacts of the Proposed Actions were fully evaluated pursuant to CEQR and SEQRA, which included assessing potential displacement effects. Additional race-based analyses are beyond the scope of the required environmental review. Separately from the environmental review, the City Council independently commissioned a racial impact study of the Gowanus Neighborhood Plan. The report was issued in July 2021, is entitled "Gowanus Neighborhood Plan: Racial Equity Report on Housing and Opportunity."

**Comment 3-2:** Today you'll hear from speakers that this rezoning is affecting a mostly white Gowanus, and that's simply not true. We should recognize and support our Gowanus population as mostly of Black and African descent. (Foote\_023)

**Response 3-2:** See the response to Comment 3-1.

**Comment 3-3:** The FEIS should include 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. (GNCJ\_167)

**Response 3-3:** The requested analysis is outside the scope of this EIS and CEQR.

**Comment 3-4:** The FEIS should analyze secondary displacement impacts on rent-stabilized tenants. 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. In addition, the FEIS should analyze secondary displacement impacts on public housing residents. (GNCJ\_167)

**Response 3-4:** Chapter 3, "Socioeconomic Conditions," of the EIS includes an assessment of potential indirect residential displacement due to increased rents. Consistent with *CEQR Technical Manual* guidelines, the assessment focuses on the potential impacts that may be experienced by renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rents, and whose incomes or poverty status indicate that they may not support substantial rent increases. Residents who are homeowners, or who are renters living in rent-restricted units would not be vulnerable to rent pressures. The RWCDs does not assess tenant harassment, as this activity is illegal.

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**Comment 3-5:** 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? (Amott\_069)

**Response 3-5:** Comment noted. The EIS cannot conjecture regarding possible outcomes for residents or businesses which have the potential to be displaced by the Proposed Actions. However, the Proposed Actions would support the creation of substantial amounts of market-rate and affordable homes which a resident may be able to move into. Similarly, the Proposed Actions would encourage substantial amounts of non-residential space that existing businesses could move or expand into.

**Comment 3-6:** 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. (Hollihan\_077)

**Response 3-6:** The analyses in Chapter 3, “Socioeconomic Conditions,” which were based on the Scope of Work and *CEQR Technical Manual* guidelines, found that the Proposed Actions would not result in significant adverse socioeconomic impacts. The indirect residential displacement analysis concluded that for most of the study area the average household income of the new population in the With Action condition would be lower than the average household income of the existing population. Two subareas were identified in the DEIS for a more detailed analysis to determine the potential for significant adverse impacts. The detailed assessment focused on Subarea A,<sup>6</sup> roughly bounded by Douglass Street/St. John’s Place, 4th Avenue, the Prospect Expressway, and the Gowanus Canal; and Subarea B,<sup>7</sup> roughly bounded by Wyckoff Street/St. Marks Place, 4th Avenue, Douglass Street, and Hoyt Street. These subareas overlap with the Project Area and have lower average household incomes than other parts of the study area. The detailed analysis found that while the Proposed Actions would add a substantial new population with potentially higher incomes to both subareas, in Subarea A the mixed-income composition of the new population would not cause substantial changes in the real estate market that would lead to indirect displacement of all vulnerable renters in unprotected units. Further, the Proposed

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<sup>6</sup> Subarea A consists of Census Tracts 117, 119, and 121 (see **Figure 3-1**).

<sup>7</sup> Subarea B consists of Census Tracts 71 and 127 (see **Figure 3-1**).

Actions would be expected to introduce more affordable housing than in the future without the Proposed Actions, potentially slowing the existing trend of increasing rents and maintaining a more diverse mix of incomes within the subarea as compared to the No Action condition. In Subarea B, the analysis found that most low-income renters in the subarea reside in protected rental units and would not be vulnerable to indirect residential displacement as a result of the Proposed Actions. Please also see the response to Comment 3-1.

**Comment 3-7:** 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. EPA is available to assist the City in this regard. (Garbarini\_074)

**Response 3-7:** Comment noted. Presently, the suggested environmental justice analysis is beyond the scope of the mandated CEQR/SEQRA review. That said, the NYC Environmental Justice Advisory Board and the City are holding a public comment period which ends on September 5, 2021, to seek feedback on the draft scope for the proposed Environmental Justice for All Report. The Report will address how to systematically incorporate environmental justice into the City’s decision-making process and services. In addition, the interagency-working group on environmental justice is analyzing barriers to participation in environmental decision-making affecting residents of environmental justice areas. Therefore, the City is addressing environmental justice in a comprehensive manner throughout the City in a separate set of analyzes, reports, and recommendations.

*BUSINESS DISPLACEMENT*

**Comment 3-8:** 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

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relocation and other needs. Particular attention must be paid to help place these businesses in the Gowanus IBZ. (CB6\_001)

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 support should be provided covering all reasonable moving costs to allow affected businesses to continue operation elsewhere within New York City. (GNCJ\_167)

**Response 3-8:** The Salt Lot site would not be affected by the Proposed Actions and is not within the Project Area. With respect to potential direct displacement of businesses on privately owned sites, the analysis in Chapter 3, “Socioeconomic Conditions,” found that the Proposed Actions would not result in significant adverse impacts due to direct business displacement warranting mitigation in the form of relocation assistance.

**Comment 3-9:** Commercial and retail spaces should serve existing residents, not introduce high-end services that equates consumer displacement. (Oesau\_007)

**Response 3-9:** The analyses in Chapter 3, “Socioeconomic Conditions,” found that the Proposed Actions would not result in significant adverse environmental impacts due to residential or business displacement.

**Comment 3-10:** The DEIS fails to acknowledge the adverse impact being created by a substantial displacement of businesses concentrated in the industrial sector. 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.” 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. (GNCJ\_167)

**Response 3-10:** The analysis of direct business displacement in Chapter 3, “Socioeconomic Conditions,” provides analytic support for the statements cited in the comment. Table 3-1 of the DEIS presents estimates of study area private employment by industry sector; Table 3-2 presents estimates of study area private businesses by industry sector; and Table 3-3 presents the private businesses and employment potentially displaced by the Proposed Actions, by industry sector. These data and

accompanying assessment show that the displaced businesses do not represent a majority of study area businesses or employment for any given industry sector, and that there are alternative sources of goods, services, and employment provided within the study area.

**Comment 3-11:** The sector disproportionately disadvantaged is one that is the subject of regulations or publicly adopted plans to preserve, enhance, or otherwise protect it. 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.” The City should undertake a more detailed consideration of sector-specific indirect business displacement caused by the Gowanus Rezoning, including in the nearby IBZ. (GNCJ\_167)

**Response 3-11:** As described in Chapter 3, “Socioeconomic Conditions,” the purpose of IBZs is to promote clusters of active industrial and commercial uses by creating models for unique mixed-use districts that include light industrial and commercial uses and upholding current zoning that limits residential development. The Proposed Actions would not directly displace any businesses within the IBZ. Furthermore, as discussed in the preliminary assessment of indirect business displacement, the Proposed Actions would not result in new economic activities that would alter or accelerate ongoing trends. Therefore, the Proposed Actions would not adversely affect the Southwest Brooklyn IBZ.

As described in Chapter 2, “Land Use, Zoning, and Public Policy,” the Proposed Actions would support the Southwest Brooklyn IBZ. The Proposed Actions would not change the zoning in the IBZ to allow residential development. In addition, in May 2021, DCP issued the Gowanus IBZ Vision Plan, which seeks to reinforce the IBZ as a 21st century jobs hub for industrial and commercial businesses. It includes a land use framework to inform future private land use applications and targeted infrastructure and workforce development strategies. The Vision Plan is available [online](https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/gowanus/gowanus-ibz-vision-plan.pdf).<sup>8</sup> The City has also committed to investing nearly \$34 million toward sewer and stormwater infrastructure improvements in the IBZ.

**Comment 3-12:** The DEIS fails to adequately consider the serious risks of indirect displacement, particularly of industrial businesses, that could result from

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<sup>8</sup> <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/gowanus/gowanus-ibz-vision-plan.pdf>

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. 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. (GNCJ\_167)

**Response 3-12:**

Consistent with the Scope of Work and *CEQR Technical Manual* guidelines, the indirect business displacement analysis in Chapter 3, “Socioeconomic Conditions,” considers the potential incremental effects of the Proposed Actions to determine the potential for significant adverse impacts. It is therefore appropriate to evaluate existing study area trends which, as detailed in the analysis, indicate an existing movement away from industrial production.

The Proposed Actions are also intended to strengthen and promote the use of certain areas for non-residential uses, such as light industrial uses. As detailed in Chapter 1, “Project Description,” while the Proposed Actions envision non-residential uses mixing with residential uses in some areas, other areas have been designated to remain exclusively for non-residential uses to support the existing unique business and use ecology. These subareas were selected by DCP based on types of businesses, locations, and unique site conditions, and have key characteristics that can help support job-generating uses, including larger and more flexible properties, and are existing hubs of light industrial, commercial, and arts-related uses as well as being geographically situated near transit and major corridors. The Proposed Actions seek to strengthen and promote these areas by maintaining them for industrial, commercial, and community facility uses, and by increasing the allowable density for job-generating uses and removing onerous requirements, such as required accessory parking and loading, that act as barriers to redevelopment and enlargements.

Any privately sponsored rezoning applications would be subject to separate environmental review that would consider potential socioeconomic effects of that application.

**Comment 3-13:**

Analyze what institutions have already been lost due to speculation (such as affordable supermarkets and bodegas), and what businesses that serve low- and moderate-income residents are at risk of displacement. (GNCJ\_167)

**Response 3-13:**

An analysis of businesses lost due to real estate speculation is outside the scope of CEQR analysis and is not necessary to determine whether the

Proposed Actions would result in significant adverse socioeconomic impacts. The analysis in Chapter 3, “Socioeconomic Conditions,” concluded that the demand for goods and services from existing residents has already established a strong commercial market such that the influence of new residents would not markedly increase commercial property values and rents throughout the study area. Additionally, the introduction of a new residential population, including new low- and moderate-income residents, would increase demand for the goods and services provided by existing businesses.

**Comment 3-14:** 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 and social impact. (Fuchs\_076)

**Response 3-14:** As described in Chapter 3, “Socioeconomic Conditions,” the assessments of businesses and potential effects on specific industries consider business and employment trends in the study area, compared with those in Kings County (Brooklyn) and New York City. The data for the study area that were used to estimate the total number and types of businesses and jobs were based on the New York State (NYS) Department of Labor (DOL) Quarterly Census of Employment and Wages (QCEW) for the third quarter of 2017. QCEW Data on Kings County and New York City were gathered by AKRF, Inc. for the third quarter of 2017. The QCEW data for the socioeconomic study area were compiled at the census-tract level by the New York City DCP Housing, Economics, and Infrastructure Planning (HEIP) Division in May 2019. The above-described data were supplemented by numerous field surveys conducted by AKRF staff during the spring of 2019. During the field surveys, AKRF staff characterized land uses and economic activities. Further, AKRF staff identified businesses that could be directly displaced by projected development. AKRF staff field surveys were supplemented by online information, including websites of businesses that would be directly displaced under the RWCDs. Employment estimates are based on a combination of online research of individual businesses, AKRF field observations, and standard industry employment density ratios commonly used for CEQR analysis. Employment density ratio calculations are based partly on the size of the building in which a business is located. Building square footage data was obtained from MapPLUTO. See also the response to Comment 3-15.

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### **Comment 3-15:**

Arts Gowanus has reviewed the list of artists that participated in our 2019 open studio event. Two hundred and seventeen artists had a studio in the area studied in the DEIS. These artists will be directly affected by the rezoning, but the DCP has neither studied this group nor provides for any mitigation. The vast majority of these people are self-employed cultural workers and should be given the same consideration as other employers, as others employed in the neighborhood. (Kutz\_036)

I would like to speak in opposition to the rezoning plan. The way it currently stands, I'm a professional musician working in rehearsal spaces in Gowanus and recording multiple times at Bisi Studios in the Old American Can Factory. I have previously commented on the poor research that was conducted regarding music rehearsal spaces and environmental protection study, particularly the space of 261 Douglass Street. Band Spaces NYC, which is home to hundreds of musicians who would be displaced by the rezoning. I'd also like to add that BC Studios' survival that's in an Old American Can Factory is essential to the music community here and that market pressure on the Old American Can Factory with any new development of the site makes it potentially displaced. (Davydova\_037, Ishenko\_038)

BC Studio, a music recording small business in the Old American Can Factory 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. (Reed\_151)

Bisi 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. (Woodhead II\_170)

I am one of many renters at Band Spaces NYC (located at 261 Douglass Street). It is not a recording studio, but a large, multi-unit rehearsal space for musicians with about 90 rooms that are rented monthly. That specific location is used by at least 180 people, 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. (Woodhead II\_171)

I am the owner of BC Studio in the Old American Can Factory; we do music recording. I am among the original artists to establish the can factory as an arts hub from 1980, eight years before the current owners.



BC Studios is not in the DEIS as potentially displaced, even though it's in the unlandmarked portions of the complex and it is unlandmarked precisely so the development can occur there. 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. BC Studio can't be relocated, it can only be rebuilt. 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. It only works not because it is surrounded on three sides by the inner courtyard; it won't work next to residential. I estimate relocating to cost about \$100,000. Not being in the DEIS is indicative of the cursory look at the arts in this DEIS. (Bisi\_045, Bisi\_075, Bisi\_137)

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 businesses owners who depend on their workspaces to earn their livelihood. (Terzis\_160)

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. I urge further assessment of impacts on the un-landmarked portions of Old American Can Factory. (Terzis\_160)

**Response 3-15:**

Freelance artists who lease studio spaces are not accounted for in the estimates of directly displaced employment because the studio spaces are not their regular place of business – however, additional analysis is provided in the FEIS to consider the potential effects on those artists. Based on public comments, the analyses in Chapter 3, "Socioeconomic Conditions" and the Socioeconomic Conditions section of Chapter 26, "Conceptual Analysis," have been supplemented as part of the FEIS to provide additional analysis of potential socioeconomic effects of the displacement of artists' studio spaces.

**Comment 3-16:**

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. I urge further review of the impacts on small businesses in the un-landmarked sections of the Old American Can Factory. (Cohen\_156)

**Response 3-16:**

The displacement of businesses in the Can Factory will be assessed in Chapter 26, "Conceptual Analysis," of the FEIS.

**CHAPTER 4: COMMUNITY FACILITIES AND SERVICES**

**Comment 4-1:** The City must specifically ensure that early-childhood programs exist to serve children with disabilities. (CB6\_001)

**Response 4-1:** DOE provides children with disabilities who require special education services with public education.

**Comment 4-2:** 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. (CB6\_001)

**Response 4-2:** As noted in the comment, the Proposed Actions would facilitate a new 500-seat school to be developed at the Gowanus Green site. With this proposed school, it is concluded in the DEIS that the Proposed Actions would not result in a significant adverse impact on school capacity. The Proposed Actions also include floor area incentives for the provision of new school space in certain subareas along the Canal.

**Comment 4-3:** 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. The FEIS must address the different enrollment figures used and clarify how the real capacity figure would impact the district utilization rates. To void a repeat 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. To ensure that the new school contributes to continued areawide integration, we recommend that: DCP coordinate with the Department of Education (DOC) and other City agencies to achieve strategies that continue to 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. (Devaney\_163)

**Response 4-3:** As described in Chapter 4, “Community Facilities and Services,” the schools analysis follows CEQR methodology to project future No Action and With Action condition enrollment, capacity, and utilization rates for the 2035 analysis year. No Action condition utilization was developed

using projection data provided by SCA and DOE. Additional information on these projections is available through SCA's website, at <http://www.nycsca.org/community/capital-plan-reports-data#Local-Law-167-Reports-352>. With Action condition utilization was determined based on student population increases and capacity changes that would be expected to occur as a result of the Proposed Actions. Although an evaluation of student diversity is beyond the scope of a CEQR schools analysis, a fundamental objective of the Gowanus Neighborhood Plan is to create an inclusive, integrated neighborhood by creating an unprecedented number of new affordable housing units in the area and incentivizing a mix of community and not-for-profit uses.

**Comment 4-4:** 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. (MS51\_129)

**Response 4-4:** The development program under the Proposed Actions includes a new 500-seat elementary school on the Gowanus Green site (Block 471, Lot 1). Prior to this development, the site would be fully remediated, and the school would be constructed as part of the larger Gowanus Green development. As discussed in Chapter 4, "Community Facilities and Services," with the inclusion of the proposed 500-seat elementary school on the Gowanus Green site, the Proposed Actions would not result in any significant adverse impacts to public elementary, intermediate, or high schools as a result of the Proposed Actions. The Proposed Actions also include floor area incentives for the provision of new school space in certain areas along the Canal.

**Comment 4-5:** 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. (CB6\_001)

**Response 4-5:** Under CEQR, a health care assessment is conducted only if an action would affect the physical operations of, or access to and from, a hospital or public health clinic. Although the Neighborhood Plan would increase the densities in the area, the Project Area is an existing and long-standing

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neighborhood that dates to the 1800s and has significant existing infrastructure and is well serviced by the City; as such, the Proposed Actions are not creating a new neighborhood. The Proposed Actions would not physically affect any health care facility. An assessment of affordable local health care services for existing residents is beyond the scope of the DEIS.

**Comment 4-6:** 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. (CB6\_001)

**Response 4-6:** As stated in Chapter 4, “Community Facilities and Services,” based on the *CEQR Technical Manual* screening methodology, detailed analyses of outpatient health care facilities and police and fire protection services are not warranted since no facilities would be directly affected (i.e., displaced) and the Project Area is located in a neighborhood where these services are currently provided.

**Comment 4-7:** The City must ensure that adequate investments are made in services critical to seniors, such as accessible health care options, and senior centers. (CB6\_001)

**Response 4-7:** The Gowanus Green development would provide senior housing and neighborhood-serving uses and community spaces, such as early childcare, healthcare, and senior programming.

**Comment 4-8:** 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. (GNCJ\_167)

**Response 4-8:** Community facilities are defined in the *CEQR Technical Manual* as public or publicly funded schools, early childhood programs, libraries, health care facilities, and fire and police protection services. Therefore, the scope of DEIS is the evaluation of the potential for significant adverse impacts to these community facilities and services as a result of direct or indirect effects of the Proposed Actions.

**Comment 4-9:** 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. (GNCJ\_167)

**Response 4-9:** Comment noted. See the response to Comment 4-8. Institutions such as those mentioned in the comment are vitally important to New York City. However, the CEQR analysis examines only essential community services.

**Comment 4-10:** 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. (GNCJ\_167)

**Response 4-10:** The DEIS public libraries analysis follows CEQR methodology and focuses on branch libraries within a 3/4-mile catchment area (the distance that residents would travel to use library services) around the Project Area. As noted in the comment, six Brooklyn Public Library (BPL) neighborhood libraries are located in this study area. As discussed in Chapter 4, "Community Facilities and Services," while some of the study area libraries would have population increases attributable to the Proposed Actions that are above the threshold (5 percent increase) for which noticeable change in delivery of library services could occur, many of the residents in the catchment areas for the affected libraries also reside in the catchment areas for other nearby libraries and would also be served by these libraries. This includes branches for which no population increases were projected. Additionally, residents in the study area would have access to the entire BPL system through the interlibrary loan system and could have volumes delivered to their nearest library branch. Residents would also have access to libraries near their place of work. Furthermore, it is anticipated that the trends toward increased electronic research, the SimplyE mobile application, and the interlibrary loan system would make space for increased patron capacity and programs to serve population growth. Therefore, the Proposed Actions would not be expected to result in a noticeable change in the delivery of library services and there would be no significant adverse impacts public libraries as a result of the Proposed Actions.

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**Comment 4-11:** Analyze the impact of the rezoning on a wider range of community institutions including community centers, religious institutions, stores, affordable restaurants, etc. (GNCJ\_167)

**Response 4-11:** See the response to Comment 4-8.

**Comment 4-12:** 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. 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. (GNCJ\_167)

**Response 4-12:** According to the *CEQR Technical Manual*, a significant adverse impact to public schools may occur if a proposed action would result in both of the following conditions:

1. A utilization rate of the elementary and/or intermediate schools in the sub-district study area or high schools in the borough study area equal to or greater than 100 percent in the With Action condition; and
2. An increase of 5 percentage points or more in the collective utilization rate between the No Action and With Action conditions.

As described in Chapter 4, “Community Facilities and Services,” In the With Action condition, the utilization rate of elementary schools, intermediate schools and high schools would not meet both of the above conditions. Therefore, the Proposed Actions would not result in a significant adverse impact to public schools.

As stated above, the Proposed Actions would facilitate a new 500-seat school to be developed at the Gowanus Green site.

**Comment 4-13:** 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.” 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. (GNCJ\_167)

**Response 4-13:** Comment noted. Pacific Library is the only public library in the Project Area (the rezoning area); however, as discussed in the Chapter 4, “Community Facilities and Services,” there are a total of six libraries in the study area, which is defined by CEQR to be a 3/4-mile catchment area (the distance that residents would travel to use library services) from the Project Area. The evaluation of facility accessibility and staffing resources is beyond the scope of a CEQR analysis of public libraries.

**Comment 4-14:** The DEIS 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. (MS51\_129)

**Response 4-14:** As described in Chapter 4, “Community Facilities and Services,” the Proposed Actions would not result in any significant adverse impacts to public libraries. See also the responses to Comments 4-10 and 4-13.

## CHAPTER 5: OPEN SPACE

**Comment 5-1:** 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. (CB6\_001)

**Response 5-1:** The open space analysis in Chapter 4 of the DEIS discloses the potential for a significant adverse impact due to the added residential demand placed on active open space in an area.

**Comment 5-2:** 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. (CB6\_001)

**Response 5-2:** Comment noted. Remediation of the Public Place site will be conducted by National Grid and overseen by DEC. The Superfund remedy will ensure that the site, including any planned open space areas, will be suitable for the intended end use, which includes a mix of residential, community facility, commercial and open space uses. The open space

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would be developed and completed as part of the Gowanus Green development and completed by the 2035 analysis year.

**Comment 5-3:** 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. (CB6\_001)

**Response 5-3:** As described in Chapter 5, “Open Space,” the Head End Open Space is approximately 1.6 acres in size and, as analyzed in the DEIS, is to be developed in the Future Without the Proposed Project by the New York City Department of Environmental Protection (DEP) as part of the Gowanus Combined Sewer Overflow (CSO) Facilities project. The Head End Open Space is intended to be primarily passive open space with a 50-foot-wide esplanade along the Canal that will allow for some active recreational activities as part of the overall continuous esplanade envisioned to be built out over time pursuant to the WAP. For the DEIS, this space has been assumed to include 0.16 acres of active space and 1.44 acres of passive space for a total of 1.6 acres.

**Comment 5-4:** 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. (CB6\_001)

**Response 5-4:** Comment noted. No temporary or permanent street closings have been assumed in the DEIS as a mechanism for meeting the open space needs of the community under the Proposed Actions, although, such actions could be considered separately from this EIS process.

**Comment 5-5:** I want to highlight open space issues which are identified in the EIS as 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. And proposed open spaces and address those issues so I’m eager to see what ideas you come up with, and will continue pushing at the Council as well. (Lander\_002)

**Response 5-5:** Comment noted. The DEIS states that mitigation measures will be explored by DCP, as lead agency between the DEIS and FEIS.

**Comment 5-6:** The proposal does not provide a plan for the proposed 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. (Simon\_004, Simon\_155)

**Response 5-6:** The remediation to Thomas Greene Playground will happen as part of the Superfund remedy and will occur irrespective of the Proposed Actions.

**Comment 5-7:** Gowanus is in desperate need of green space; we suffer from urban heat island effect. The proposed rezoning does not meet the City's own recommendations for open outdoor space. (Neuman\_041)

**Response 5-7:** As discussed in Chapter 4, "Open Space," the Proposed Actions would add 5.46 acres of new publicly accessible open spaces including a new approximately 1.48-acre park at the Gowanus Green Site and approximately 3.98 acres of new publicly accessible waterfront open space under the WAP. The open space analysis in the DEIS identifies an active open space impact and states that mitigation measures will be explored by DCP, as lead agency between the DEIS and FEIS..

**Comment 5-8:** Gowanus Rezoning will add critical open space on private and public lands; however, the DEIS shows that there will be a decrease in the active open space ratio, with the addition of tens of thousands of residents. 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 for the community. (Gruberg\_042)

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. Gowanus is so severely lacking in both parks and open space as the City's DEIS shows. The proposed rezoning will add critical open space to the neighborhood, 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 space ratio, which is critical to supporting a more residential neighborhood. (Parker\_050)

**Response 5-8:** The Proposed Actions would add over 5 acres of new publicly accessible open space. For analysis purposes, the DEIS assumes the new open spaces would provide 2.93 acres of passive open space and 2.53 acres of active open space. Partial mitigation for the significant adverse open space impact includes the addition of 22,000 sf of active open space at P.S. 32 through NYC Parks Schoolyards to Playgrounds program.

**Comment 5-9:** National Grid is required to remediate the western two-thirds of Thomas Greene Park. There is a need for additional funds for the City to improve the park beyond how it is currently. On the Friends of Thomas Greene

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Park website, it shows a building with year-round restrooms, locker rooms, and second-floor for the community's use. This is a green roof and wheelchair accessible; in addition, it has an approved swimming pool, skateboard area, basketball court, and green space. It complements and connects to the head of the Canal park across Nevins Street. (Wolfe\_016)

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 its current state, and action must also be taken to prevent degradation caused by shadowing from overdevelopment on adjacent lots. (Wolfe\_142)

**Response 5-9:** Comment noted. See the response to Comment 5-6.

**Comment 5-10:** 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 DCP to add more open space in the rezoning area and, specifically, we would like to focus on Block 471, Lot 1 in the Gowanus rezoning area. We think that Block 471 is a great site for open space in the community. (Thayer\_053)

**Response 5-10:** Comment noted. For analysis purposes, the DEIS assumes that the proposed open space on Block 471 would total 1.48 acres, of which 0.54 acres would be active open space. However, the design and programming of the proposed park on Block 471 would occur in the future and under NYC Parks direction. The community will be able to discuss and advocate for active and passive space, programming, and amenities at that time.

**Comment 5-11:** 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. (GCC\_073, GNCJ\_167)

- Response 5-11:** The referenced ratios reflect existing and No Action condition ratios instead of No Action to With Action condition ratios. The open space analysis has been updated to include Census Tract 163 as well as the removal of the Pacific Park open space from the non-residential open space analysis. As a result, the open space ratios have been revised and discrepancies have been taken into account in the FEIS.
- Comment 5-12:** The DEIS cites 0.16 acres of open space at the Head End Open Space, though the designed shared to date show no active open space despite strong community request. GCC proposes commitment to 30% active space at the Head End. (GCC\_073, GNCJ\_167)
- Response 5-12:** As noted in the comment, the DEIS assumes that the Head End open space would provide 0.16 acres of active space and 1.44 acres of passive space for a total of 1.6 acres. Although specific plans have not yet been developed, the Head End open space is currently envisioned as a primarily passive open space, however, it would include a 50-foot-wide esplanade along the Canal that would allow for some active recreation (0.16 acres) as part of the overall continuous esplanade envisioned to be built out over time pursuant to the WAP.
- Comment 5-13:** 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. The GCC analysis uses the more conservative .25 acres. (GCC\_073, GNCJ\_167)
- Response 5-13:** The planned open space at 625 Fulton Street has been removed from the open space analysis in the FEIS because the developer is following an as-of-right program for the development that does not include any required open space.
- Comment 5-14:** 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*, 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. (GCC\_073, GNCJ\_167)
- 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

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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. (Devaney\_163)

**Response 5-14:** Pacific Park has been removed as an open space in the ¼-mile non-residential study area. Pacific Park's full acreage is included in the ½-mile residential study area and the population of Census Tract 163 has been added to the residential population in the quantitative assessment of open space.

**Comment 5-15:** Discrepancies are contained in the DEIS assumptions about active open space percentages in new open spaces introduced as part of the proposed actions. GCC has proposed mitigation to address the shortfall in active open space. Based on CEQR guidelines for esplanades<sup>15</sup>, 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. (GCC\_073, GNCJ\_167)

**Response 5-15:** The assumption for the split between the passive and active open space for the proposed esplanade is 50/50, as recommended in the *CEQR Technical Manual*. The cited WPAA's were designed under different waterfront zoning regulations than what is proposed in the WAP. The other WPAA's were also designed as "point access" and not as part of a broader vision for continuous esplanade that facilitates a range of active uses. In addition, the Proposed Actions are anticipated to generate several large supplemental publicly accessible areas that can help facilitate active uses.

**Comment 5-16:** 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.” (GCC\_073, GNCJ\_167)

**Response 5-16:** Comment noted.

**Comment 5-17:** 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. (GCC\_073, GNCJ\_167)

**Response 5-17:** Comment noted.

**Comment 5-18:** The City should provide expense funding for GCC and Gowanus Dredgers mussel habitat project, which will design, fabricate, and install modular mussel habitat and conduct monitoring and analysis. Funding should also be provided to ongoing local stewardship of proposed green infrastructure, to ensure that wildlife habitat and community benefits are sustained into the future. (GCC\_073, GNCJ\_167)

**Response 5-18:** Comment noted. While funding for these efforts is outside the scope of the DCP zoning proposal and related environmental analysis, DEP currently uses an in-house maintenance team to perform routine maintenance of green infrastructure constructed within streets and sidewalks. Maintenance contracts are used to supplement non-routine maintenance and to maintain green infrastructure constructed within NYCHA properties. In addition, the City recently launched the City Cleanup Corps (CCC), which is projected to create 10,000 jobs and make New York City the cleanest, greenest city in the United States. DEP is participating in this effort and has hired staff to support maintenance programming such as catch basin stenciling and rain garden care. While Funding for this project isn’t the scope of the proposed project, DEP has extensive involvement working on mussel habitat with community organizations is currently performing ribbed mussel research in Jamaica Bay, and could provide guidance when completed in approximately three years.

**Comment 5-19:** 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. (GCC\_073, GNCJ\_167)

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**Response 5-19:** Comment noted, although this is beyond the scope of the DCP planning proposal and related environmental analysis.

**Comment 5-20:** The Municipal Art Society of New York 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. (Devaney\_163)

**Response 5-20:** As discussed in Chapter 5, "Open Space," the Proposed Actions would add nearly 6 acres of new publicly accessible open spaces, including a new approximately 1.48-acre park at the Gowanus Green site and approximately 3.98 acres of new publicly accessible waterfront open space through the WAP. The Proposed Actions would institutionalize urban design principles to guide and shape new development in the neighborhood. Based on public comments, the open space analysis in the FEIS has been revised and the population of the census tract that will contain a portion of the Pacific Park open space (Census Tract 163) has been added to the user population of the ½-mile residential open space study area. The City supports a community driven exploration of a BID-type structure for Gowanus, which could potentially support area-wide open spaces. All substantive comments on the DEIS, including the open space mitigation measures proposed by the Gowanus Canal Conservancy, have been considered by DCP, in its capacity as lead agency, and in consultation with NYC Parks. Mitigation for the open space impact has been presented in the FEIS and includes the addition of 22,000 sf of active open space at P.S. 32 through NYC Parks' Schoolyards to Playgrounds program. The Gowanus WAP has been prepared in response to the unique

character of the Gowanus Canal and would facilitate a variety of design outcomes. The WAP would ensure a cohesive public realm experience along the Canal, while tailoring requirements to location-specific conditions and adjacencies (such as the 3rd Street bridge and the 1st Street turning basin). At individual development sites, the WAP would provide site planning flexibility while ensuring a vibrant building edge condition.

**Comment 5-21:** The DEIS does not take into account the lack of public water access of open space potential. The FEIS must account for the limitations of public access to the water in its open space assessments.

**Response 5-21:** Under CEQR, an analysis of open space is conducted to determine whether or not a proposed project would have a direct impact resulting from the elimination or alteration of existing open space and/or an indirect impact resulting from overtaxing available open space. While future direct access to the water may be desirable, the lack of direct access to the Canal is not a result of the Proposed Actions, and not a consideration of the CEQR open space analysis in the DEIS. Overall, the Proposed Actions would create new waterfront open space, including a new public park and esplanade, and provide access to the Canal for residents, workers, and visitors. In fact, interaction with the water, including the provision of get-downs and boat launches, are envisioned or incentivized at the water's edge under the WAP.

## **CHAPTER 6: SHADOWS**

**Comment 6-1:** National Grid is required to locate a temporary pool before the remediation of the pool is begun. The DEIS clearly shows the shadows on the pool and the entire park; it has a significant impact on the entire area. The City should model a bona fide massing on 549 Sackett Street, 273 Nevins Street, and 495 Sackett Street. The developer of the Adams Book building is aware that their building height must be lowered. We're very concerned about the height of what will be eventually on the eastern site and what is built on the western side of the Gowanus Canal, for these should have a huge shadow effect on this parkland. This park is the only park in the Gowanus area and it must be improved and maintained for the health and future of the area. (Wolfe\_016, Wolfe\_142)

**Response 6-1:** The DEIS included a detailed analysis of shadows on Thomas Greene Playground and the Douglass and Degraw Pool within the playground. The analysis showed that development under the RWCDs would cast new shadows on the pool and park throughout the year, of varying duration and coverage depending on the season. Further, the DEIS

identified a significant adverse shadow impact specifically on the pool in the late afternoons of the May 6 and August 6 representative analysis days, primarily due to new shadows from Site W, located on the western side of the block south of the park (and including the property currently identified as 549 Sackett Street). Site W, like all the Projected and Potential Sites, was conservatively modeled using 3D software as a reasonable worst-case massing. DCP has proposed mitigation for the shadow impact to the pool that would include a change to tower location and a reduction of building heights at Potential Development Site W, such that the extent and duration of incremental shadow on the pool is reduced substantially. Other potential mitigation measure could include relocating the pool to the northern side of the park, which would receive much less shadow compared to the southern side, as part of the park's planned reconstruction.

**Comment 6-2:**

According to the DEIS, "Incremental shadows would cover portions of the Canal for varying durations and coverage on all four analysis days." 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. 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 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. In addition, the City should invest in new public boat launches south of 3rd Street, where shadows will have less of an impact on recreational uses. (GCC\_073, GNCJ\_167)

**Response 6-2:**

Incremental shadow does not necessarily constitute a significant adverse shadow impact, and the analysis in Chapter 6, "Shadows," did not disclose significant adverse shadow impacts with respect to the Canal. The DEIS disclosed that in the spring, summer, and fall, when recreational use along on the Canal would be greatest, development under the Proposed Actions would cast large incremental shadows on the Canal early and late in the day, but there would continue to be some sunlit areas during these times, and from mid-morning to mid-afternoon most or all of the Canal would be in sun. Therefore, the DEIS concluded that these new shadows would not significantly impact the recreational use of the Canal. With regard to fish, as noted in the comment, the DEIS concluded that any effect on fish passage within the limited and transient area of



project-generated shadows would not significantly impact the health of the fish. Because the Proposed Actions would not result in a significant adverse shadow impact to the Canal, the referenced mitigation measures are not warranted.

**Comment 6-3:**

The shadows analysis 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. (MS51\_129)

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. (MS51\_129)

**Response 6-3:**

All conclusions regarding shadow impacts were based on the guidance of the *CEQR Technical Manual*. J.J. Byrne Playground spans the entire block between 4th and 5th Avenues. It contains a multi-use turf field on its western half and a playground, seating areas, and landscaping on its eastern half. The DEIS showed that the turf field would receive new shadow resulting from the Proposed Actions, but that added shadow would be limited in both duration and size, occurring in the late afternoons, with portions of the turf field remaining in sun even during maximum coverage of incremental shadow. Large areas of sun would remain on the field throughout most of the afternoon in spring, summer, and fall. The playground areas on the east side of the park would remain untouched by incremental shadow. With regard to Washington Park, incremental shadow would reach the park in the late afternoons of the spring, summer, and fall but would remain small until approximately the last half-hour of the analysis day. Substantial areas of sun would remain in the park throughout most of the afternoon. Therefore, the DEIS concluded that these incremental shadows would not significantly affect the use of these parks.

**Comment 6-4:**

The shadows 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. (MS51\_129)

**Response 6-4:** In the section of the shadow study assessing J.J. Byrne Playground, the DEIS states: “Large areas of sun would remain [on the turf field] throughout most of the afternoon in these seasons. 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. The playground areas on the east side of the park would be untouched by incremental shadow.” These statements are not inaccurate or deceptive. For this resource and all resources, the DEIS determined the significance of shadow impacts to park use by following CEQR methodology: quantifying the extent and duration of new shadows and identifying substantial reductions in the usability of open space as a result of increased shadows.

**Comment 6-5:** 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. (MS51\_129)

**Response 6-5:** The DEIS concluded that all areas of the garden would continue to receive a minimum of 4 to 6 hours of direct sun throughout the heart of the growing season, i.e., May through August. Further, all areas of the garden would receive a minimum of 4 to 6 hours of direct sun on the March 21/September 21 “shoulders” of the growing season, with the exception of a small area in the northeast corner which would receive 3.5 to 4 hours. Following CEQR methodology, additional research was undertaken to identify the specific plantings and vegetation located in that northeast corner, and their sunlight requirements. Species in that corner of the garden were found to include a Japanese maple (*Acer Palmatum*), White Fringetree (*Chionanthus Virginicus*), and other plants that are tolerant of partial as well as full sun conditions. Consequently, considering the overall six-month growing season and the particular species of trees and plantings and their locations in the garden, the DEIS concluded that with the Proposed Actions all the vegetation in the garden would continue to receive adequate sunlight for their health and survival.

**CHAPTER 7: HISTORIC AND CULTURAL RESOURCES**

**Comment 7-1:** Not addressed in the study: BC Studios are a vital New York music institution that has been in the Can Factory since 1979 and really deserves its own landmark status. (Ishenko\_038)

The BC Studio portion of the Can Factory is un-landmarked and not addressed in the DEIS. (Smith\_141)

**Response 7-1:** The entirety of the American Can Factory is located within the boundaries of the S/NR-eligible Gowanus Canal Historic District and potential project impacts were assessed on the S/NR-eligible Gowanus Canal Historic District in Chapter 7, “Historic and Cultural Resources” of the DEIS.

**Comment 7-2:** 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. (Donnelly\_166)

**Response 7-2:** A Gowanus Canal Historic District was proposed for listing on the S/NR by SHPO in 2014. A draft of the National Register of Historic Places Registration (Nomination) Form was prepared by the SHPO in December 2013, which identified the proposed Gowanus Canal Historic District as significant in the areas of architecture, engineering, transportation and commerce, with a period of significance spanning from ca. 1853 to ca. 1965. However, in response to community comments, the New York State Board for Historic Preservation review for the State Register listing of the Gowanus Canal Historic District has been postponed. SHPO determined the Gowanus Canal Historic District to be S/NR-eligible in 2012. The purpose of the DEIS historic and cultural resources analysis is to identify historic and cultural resources in the study area and to assess potential project impacts. The status of the Gowanus Canal Historic District with respect to listing on the S/NR does not affect the analysis in the EIS, as S/NR eligible resources and S/NR-listed resources are considered architectural resources for purposes of analysis pursuant to CEQR. A consideration of the use of tax credits for use in a potential S/NR-listed Gowanus Canal Historic District is beyond the scope of the EIS historic and cultural resources analyses.

**CHAPTER 9: NATURAL RESOURCES**

**Comment 9-1:** The DEIS relies on insufficient and incomplete datasets in determining that the proposed actions would not have a significant adverse impact on

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natural resources. The FEIS must include the more accurate data sets that are summarized in the 2021 Gowanus Ecosystems Biological Survey Report, 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. (GCC\_073)

**Response 9-1:** Chapter 9, “Natural Resources,” has been revised to include wildlife and plant observations from the *GCC Draft 2021 Gowanus Ecosystems Biological Survey Report*.

**Comment 9-2:** 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. GCC and partners have identified 646 species of vegetation in the area around the Gowanus Canal. (GCC\_073)

**Response 9-2:** Based on guidance provided in the *CEQR Technical Manual*, the site reconnaissance survey conducted by AKRF biologists is sufficient to identify ecological communities in the study area. The site reconnaissance observations were also supplemented with literature review and data obtained through other projects that have been evaluated in or adjacent to the study area and is, as stated above, updated for the above-referenced report.

**Comment 9-3:** The DEIS description of existing wetlands relies on generalized definitions and assumes that the Canal lacks hydrophytic vegetation. 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. (GCC\_073)

**Response 9-3:** The DEIS description of existing wetlands is based on site reconnaissance observations, data obtained through other projects that have been evaluated in or adjacent to the study area, National Wetland Inventory and New York State Department of Environmental Conservation-mapped wetlands, and aerial imagery. While much of the Canal lacks hydrophytic vegetation, Chapter 9, “Natural Resources,” has been revised to include a description of the limited hydrophytic vegetation near the BK6 Salt Lot.

**Comment 9-4:** 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 Canal bulkhead. 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. (GCC\_073)

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. (LeCompte\_169)

**Response 9-4:** Chapter 9, “Natural Resources,” has been revised to include reference to the GCC survey regarding Atlantic ribbed mussel habitat in the Canal. Replacement of the bulkheads would occur as a result of the Gowanus Canal cleanup occurring under the Superfund Program.

**Comment 9-5:** 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. 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. 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. (GCC\_073)

**Response 9-5:** While observations of these species have been made in the study area, breeding habitat for these bird species is not present in the study area. Shoreline habitat and tree canopy will not be eliminated under the Proposed Actions, and improvements to available habitat are expected through installation of the green infrastructure (e.g., bio-swales, greenstreets) and open space. Therefore, the conclusion regarding wildlife impacts is unchanged from the DEIS. Chapter 9, “Natural Resources,” has been revised to include a reference noting that the species identified in this comment have been observed in the study area.

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**Comment 9-6:** The DEIS claims that “no recently confirmed state-listed species are documented within 0.5 miles of the study area.” 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. (GCC\_073)

**Response 9-6:** State-listed species considered in the DEIS include those listed as threatened, endangered, or special concern by DEC, as defined under the New York Endangered Species Regulations in 6 NYCRR Part 182. Species of Greatest Conservation Need do not fall under the definition of state-listed species for the purposes of evaluating impacts to threatened, endangered, or special concern species. Chapter 9, “Natural Resources,” has been revised to include a reference noting that the species identified in this comment have been observed in the study area based on the provided survey data.

**Comment 9-7:** The DEIS notes that the proposed actions will result in the removal of street trees. 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. 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. (GCC\_073)

**Response 9-7:** Comment noted. It is expected that replacement trees would be planted in the same community district in which the trees removal would occur. In addition, new buildings and all enlargements exceeding 20 percent of the floor area must have one new tree for every 25 feet of building street frontage, in accordance with zoning. With this requirement in place, more trees are expected within the study area under the Future with the Proposed Actions.

**Comment 9-8:** 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. 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. (GCC\_073)

**Response 9-8:** Comment noted. For rain gardens in the streets and sidewalks, DEP strives to balance ecological best practices with community requests and the need to standardize maintenance practices in order to maintain thousands of practices as efficiently as possible. It is assumed that bioswales and greenstreets would be properly maintained and functioning. Under those assumptions, greenstreets and bioswales would replace gray infrastructure with green infrastructure to add to vegetated habitat in the study area. Therefore, these features would provide habitat for pollinators and wildlife species potentially in the study area.

**Comment 9-9:** To mitigate impacts to ecological communities described above, the City should include habitat restoration in a number of capital investments:

- New public space at the Salt Lot
- Public street ends
- Proposed public spaces at Public Place, Greenspace on 4th Extension, and Transit Plaza should all incorporate areas of wildlife habitat (GCC\_073)

**Response 9-9:** Comment noted; however, neither the DEIS nor this FEIS have identified significant adverse natural resource impacts that require mitigation.

**Comment 9-10:** In the FSOW, the City states that the classification of the Canal is beyond the scope of the DEIS, however, the overall DEIS designates the Canal as “an active open space resource for kayaking and other water-dependent activities.” These statements are contradictory, as 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 DEC due to their recent proposal to rollback protective language for primary and secondary contact recreation on SD/I waterways. 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. The City must coordinate with the State to ensure that waterbody designation supports future uses. (GCC\_073)

**Response 9-10:** Comment noted. Waterbody classifications and use designations are determined through DEC’s Water Quality Standards Program with federal oversight from EPA. The Proposed Actions are local New York

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City land use and zoning approvals, and as such, the CPC does not have control over waterbody classification or use designations for the Canal.

### **Comment 9-11:**

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.

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.

- The FEIS should include additional data, such as that described above, to fully evaluate the impacts of the rezoning on organisms in the canal.
- 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. (Francis\_165, LeCompte\_169)

### **Response 9-11:**

As stated above under the response to Comment 9-4, Chapter 9, "Natural Resources," has been revised to include a reference to the GCC survey regarding Atlantic ribbed mussel habitat in the Canal. Replacement of the bulkheads is not part of the Proposed Actions, but would be implemented in the No Action condition as part of the Superfund remediation. The Future with the Proposed Actions would not preclude habitat improvement projects being pursued by GCC, the Gowanus Dredgers, or



other entities, and would not hinder efforts by these organizations to obtain funding for habitat improvements.

## CHAPTER 10: HAZARDOUS MATERIALS

**Comment 10-1:** The Board 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. 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. 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. (CB6\_001)

**Response 10-1:** Comment noted. The EPA and DEC have shared publicly that the upland remediation under the Superfund remedy, including the remediation of Public Place, will generally be led by DEC in coordination with the EPA, subject to certain requirements of the Record of Decision (ROD). The remediation of the Gowanus Canal will be led by the EPA. The New York City Office of Environmental Remediation (OER), which oversees the City's (E) Designation program, would review developments subsequent to the adoption of the proposed (E) Designations to ensure that remedial measures implemented in connection with redevelopment, building construction and operation would be implemented at the development sites.

**Comment 10-2:** The rezoning fails to adequately address how this proposal can be achieved while also remediating one of the most contaminated bodies of water and toxic land in the country. (Simon\_004)

**Response 10-2:** The Superfund remedy is being implemented at the Canal and certain upland sites. The remedy will occur irrespective of the rezoning. The Gowanus Plan complements and supplements the in-Canal cleanup with requirements for remediation of upland brownfields. Without the rezoning the neighborhood will have an incomplete cleanup. The community has waited for brownfields to get cleaned up and delaying action for decades longer will mean brownfields continue to sit and allow contamination to migrate. It is crucial to spur remediation of these sites, especially Canal sites, as soon as possible to support the overall cleanup. Not planning for cleaning up the upland sites through redevelopment would leave those sites fallow in a toxic state and jeopardize the efforts of the community for a comprehensive cleanup. As discussed in the EIS,

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the Proposed Actions include the placement of (E) Designations for hazardous materials on rezoned development sites to ensure that appropriate remedial measures are completed prior to the issuance of occupancy by the New York City Department of Buildings (DOB).

**Comment 10-3:** The proposal does not address how to protect the Gowanus area from additional contamination in the event of storm surge, which is anticipated to cover much of the uplands, going as far north as Bergen Street to be underwater by 2015. (Simon\_004)

**Response 10-3:** The Proposed Actions would result in new development that would establish new elevations along the shoreline to protect properties against long-term tidal flooding and sea level rise. The Proposed Actions would also set standards for ecologically functional design at waterfront properties and street ends along the Canal, including opportunities for green infrastructure to reduce the impacts of runoff. In addition, new buildings in the floodplain would be required to meet flood-resilient construction standards, which are established by the Federal Emergency Management Agency (FEMA) and also addressed in Appendix G of the City's Building Code.

**Comment 10-4:** The proposal does not address likely migration and volatilization of compounds at Public Place, the most contaminated site, or anywhere else. (Simon\_004)

The adequacy of the Brownfield cleanup at the largest development site, Public Place, has been questioned. The health and safety of residents must be our first priority. (Velazquez\_003)

**Response 10-4:** See the responses to Comments 1-24 and 10-2.

Remediation at a portion of the former Citizens Manufactured Gas Plant (Gowanus Green site [aka Public Place]) is being overseen by the New York State Department of Environmental Conservation (DEC). EPA is the lead agency overseeing remediation of the Canal and is working closely with DEC to assure that the cleanup of the Gowanus Green site will meet the level of cleanup necessary for the site's intended future uses, which include a substantial amount of affordable housing, a public school, and new open space. EPA and DEC have stated 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 DEC 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. As described in the DEIS, the site is

subject to a variety of requirements under a DEC administrative consent order (remediation is being conducted by National Grid and its contractors). As such, coordination would also be required with DEC for any disturbance on those lots, with continuation of long-term remedial components (via Site Management Plans and periodic reviews, etc.) pursuant to DEC requirements. As part of the land disposition process, the City would ensure that remedial elements are completed per DEC protocol, with additional measures, if required, through a Restrictive Declaration or other similar mechanism.

The proposed remedy for Public Place, which will be subject to public review, will be designed to address the existing contamination as well as the potential for contamination to migrate to/from that property, in conformance with DEC/EPA requirements and guidelines. This oversight will ensure the remedy will be implemented in such a manner that it will be adequately protective of human health and the environment. The Superfund remedy at Public place must ultimately be approved by EPA. EPA and DEC will ensure that the remediation will be protective of public health and the environment. The Gowanus Plan compliments and supplements the Superfund remedy of the Canal and the DEC cleanup of upland sites that are adjacent to the Canal. Absent the rezoning, contamination on development sites beyond those addressed by EPA and DEC will remain, as the sites will not have an (E) Designation that requires subsurface investigation and likely remediation. The community has waited for brownfields to be remediated by property owners, which has not occurred, and delaying action for decades longer will mean brownfields will most likely continue to sit and allow contamination to migrate. It is crucial to spur remediation of canal and upland sites, such as Public Place, to prevent the type of migration referenced in the comment.

**Comment 10-5:** There was much that the developers propose that is creative and environmentally sound; I support the plan for 100% affordability in Public Place. 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. How 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. (Simon\_004)

**Response 10-5:** See the responses to Comments 1-27 and 10-2. The remediation of Public Place is a part of the Superfund remedy, which will generally be led by DEC in coordination with EPA, subject to certain requirements of the Record of Decision (ROD). Subsequent to the remediation of Public

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Place by National Grid, which is being overseen by DEC in close coordination with EPA, measures would be implemented as part of the design, construction, and operation of new buildings constructed as part of Gowanus Green to prevent the potential for exposure to contaminants. The EPA has publicly stated that it is feasible for the Public Place site to be cleaned up to allow for the types of land uses currently under consideration, which include a mix of residential and non-residential uses and new open space, including affordable housing. The Superfund remedy at Public Place must ultimately be approved by EPA. As part of EPA's assessment of the Public Place remediation effort, EPA and DEC have agreed to work cooperatively with all parties involved to ensure that the remediation will be protective of public health and the environment. This oversight will ensure the remedy will be implemented in a manner that it will be adequately protective of human health and the environment.

**Comment 10-6:** I realized that Public Place is the largest 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 is to ask you, the New York City Planning Commission, what will you do to help the residents and businesses of the wellness area? What conditions and constraints and penalties can you affix to ensure that my well-founded fears are not realized? (Simon\_004, Simon\_155)

**Response 10-6:** As described in Chapter 10, "Hazardous Materials," a binding Land Disposition Agreement between the HPD and the developer of Gowanus Green would require measures similar to that of an (E) designation. The Block 471 lots comprise a portion of the former Citizens Gas Works (Public Place) MGP Site and are already subject to a variety of requirements under a DEC administrative consent order (remediation is being conducted by National Grid and its contractors). As such, coordination would also be required with DEC for any subsurface disturbance on those lots, with continuation of long-term remedial components (via Site Management Plans and periodic reviews, etc.) pursuant to DEC requirements. As part of the land disposition process, the City would ensure that remedial elements are completed per DEC protocol, with additional measures, if required through a Restrictive Declaration (RD) or other similar mechanism. The development of Gowanus Green on the Public Place site in accordance with the Proposed Actions can only occur if these various requirements are satisfied.

**Comment 10-7:** Rezoning would place thousands of people on the former manufactured gas plant. The City needs to redo the environmental impact study with federal agencies (Davydova\_037, Woodhead II\_170)

**Response 10-7:** See the responses to Comments 10-1, 10-4, 10-5, and 10-6.

**Comment 10-8:** Disturbing to the Sierra Club is a plan to place 950 units of low-income housing and thousands of people, and the school on Public Place, which has been identified as being highly polluted with coal tar that will continue to migrate to the soil for many years. 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. (Koteen\_039, Sielaff\_043, Sielaff\_114, Terzis\_160)

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. (Koteen\_125)

**Response 10-8:** See the responses to Comments 1-24, 1-137, 10-1, 10-4, 10-5, and 10-6. Once the Superfund remedy for Public Place is completed, with oversight by DEC, in coordination with EPA, it will be suitable for the intended use, which primarily includes housing and open space.

**Comment 10-9:** I see environmental justice concerns in the DEIS. Thousands of people would be put on Public Place, which can never have all the toxic, volatile coal tars that are present removed. Elevation changes and re-grading put NYCHA Gowanus Houses at greater flood risk. Our elected officials asked in 2013 after NYCHA flooding from Sandy for a comprehensive plan on infrastructure, etc.; this is not in the DEIS. In May, Lander, Levin, and Nydia Velazquez asked for EPA to be a co-involved agency, citing community confidence and overlapping jurisdiction and compliance requirements. EPA answered on July 3 that 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 DEIS looks like it's being rushed. (Bisi\_045, Smith\_141, Terzis\_160)

**Response 10-9:** See the responses to Comments 1-4, 1-24, 1-137, 10-1, 10-5, and 10-6. Comments and responses from the EPA related to the CSO modeling presented in the DEIS are provided below, under "Chapter 11: Water and Sewer Infrastructure." The Proposed Actions would establish elevations along Canal blocks to protect against long-term daily tidal flooding. In addition, the Proposed Actions would result in a network of new parks and open spaces, including planted areas at street-ends. These new open spaces, in conjunction with ongoing green infrastructure investments by the City and implementation of the City's Unified Stormwater Rule,

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would support addressing local flooding that results in water pooling in streets or basements, including at area NYCHA developments, by limiting runoff and absorbing rainwater.

**Comment 10-10:** I'm an environmental consultant with a 30-year career investigating 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 former Citizens Gasworks Manufactured Gas Plant, I've actually worked on sites like that: investigating them, remediating them, cleaning them up and making them available for residential housing and, yes, I would live in any one of those houses—even with little kids. New York State has a very comprehensive MGP site investigation and remediation program and we are required as environmental consultants to abide by; it's a very strict and rigorous process 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. First, as required by laws and regulations, the remedy for an MGP site like this must be protective of human health and the environment. The first step is to investigate the complete nature and extent of contamination in soil groundwater vapor anything like that, and then go through a process of remedy selection that addresses that contamination. The remedy has to go through a regulatory approval process and the opportunity for public involvement and input. Any structures that are associated with the MGP site are either removed and typically heavily impacted soils are removed or encapsulated. Contaminated groundwater may be pumped out or treated in place and any remaining contamination that cannot be removed for technical reasons—it's too deep or just cannot be accessed—is encapsulated permanently through a series of caps. Structures are removed, heavily impacted soil is removed, groundwork is treated, anything that is left in place is encapsulated permanently, and there was no migration and no risk to any further occupants at the site. A series of controls are placed, including engineering and institutional controls. I can assure you that when the process is done at Gowanus Green and the site is remediated it'll be safe for occupancy. (Epler\_020)

**Response 10-10:** Comment noted, and, as stated above, remediation of the Public Place site is to be completed in the No Action condition as part of the Superfund remedy and will be overseen by DEC in coordination with EPA.

**Comment 10-11:** There are several examples of development at former MGP sites in New York City. The National Grid-completed project in Williamsburg, Eleventh Avenue in West Chelsea is the residential development built on top of gas holders, that I was project manager for. Right across the street there was the IAC Building, which is a commercial building, designed by

Frank Gehry. There are MGP site remediation projects in Coney Island and Rockaway Park. So yes, there are numerous examples, both in the City and in New York State, of these types of sites being successfully and safely remediated for occupants. (Epler\_020)

**Response 10-11:** Comment noted, and, as stated above, remediation of the Public Place site is to be completed in the Future Without the Proposed Project as part of the Superfund remedy and will be overseen by DEC in coordination with EPA.

**Comment 10-12:** A previous speaker that introduced himself as an environmental consultant who has worked on MGP sites said that there were many examples of MGP sites which had been remediated, and to be satisfactory for living. Well, that's not true; the reason I know that's not true is because I'm part of the CAG, which is the EPA community advisory group on Gowanus and we did have someone from the DEC provide examples of remediation that were successful for residential living and he gave some addresses upstate. The only thing that might be comparable would be Peter Stuyvesant Cooper Village in Manhattan, which was a former MGP site. The only safe way to deal with this land is to keep up open because its' going to need oversight in perpetuity because they're going to have to see what's happening; they're going to have to gauge if there's further remediation needed. So, this man who testified please look them up, please verify them, and please compare apples to apples. (Maugenest\_056)

**Response 10-12:** Comment noted, and, as stated above, remediation of the Public Place site is to be completed in the No Action condition as part of the Superfund remedy and will be overseen by DEC in coordination with EPA such that site would be suitable for the proposed residential and open space uses. There are also several former MGP sites that have been remediated in New York City, including DEC-supervised cleanups with Con Edison of two properties slated for residential development at the former West 18th Street Gas Works site in West Chelsea neighborhood of Manhattan. Peter Cooper Village, as the commenter noted, was built on the site of the former East 21st Street Works, a very large MGP. Con Edison has conducted extensive investigation of this property, has determined where remediation is needed, and conducts regular indoor air monitoring (to determine whether there are risks to residents) as the development in the 1940s did not include the kind or extent of remediation that would be conducted at Public Place. Additionally, the Peter Cooper Village buildings do not include features to protect against vapor intrusion that would be incorporated into the Gowanus Green buildings.

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**Comment 10-13:** 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,” 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.” 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. (GCC\_073)

**Response 10-13:** Comment noted. The City is actively engaged with the community around implementation of the Plan and various ideas for coordination post-adoption of the land use actions.

**Comment 10-14:** 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. (Garbarini\_074)

**Response 10-14:** Comment noted, and, as stated above, remediation of the Public Place site is to be overseen by DEC in coordination with EPA such that the site would be suitable for the proposed residential and open space uses.



- Comment 10-15:** 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. (Amott\_069)
- Response 10-15:** See responses to Comments 1-24, 1-137, 10-4, 10-5, and 10-6. The EPA has publicly stated that it is feasible for the Public Place site to be cleaned up to allow for the types of land uses currently under consideration, which include a mix of residential and non-residential uses and new open space, including affordable housing. As part of EPA's assessment of the Public Place remediation effort, EPA and DEC have agreed to work cooperatively with all parties involved to ensure that the remediation will be protective of public health and the environment.
- Comment 10-16:** 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 slab measures remain intact, especially given being built 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. (Donnelly\_166)
- Response 10-16:** See the response to Comment 1-24. Remediation at Public Place is being conducted by National Grid under the oversight of DEC's Brownfield Cleanup Program (BCP). The EPA and DEC are working cooperatively to ensure that the remediation will be protective of public health and the environment, and that the site is safe for its intended use as a mix of housing, community facility space, commercial space, and open space. Remediation under the BCP also includes long-term remedial measures (including Site Management Plans and periodic reviews, etc.) pursuant to DEC requirements.
- Comment 10-17:** 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

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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. (Garbarini\_074)

**Response 10-17:** Comment noted.

**Comment 10-18:** 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. (Garbarini\_074)

**Response 10-18:** Comment noted.

## **CHAPTER 11: WATER AND SEWER INFRASTRUCTURE**

**Comment 11-1:** 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. 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. (Garbarini\_074)

**Response 11-1:** The EIS contains basic screen assessment results, which were based on the *CEQR Technical Manual*, as well as the results of a detailed analysis using a model that was created to assess the effects of the additional population anticipated to result from the Proposed Actions. DEP has used InfoWorks Integrated Catchment Modeling (ICM) over the past two decades. The ICM models use underlying census data and have been calibrated and validated based on flow metering performed by DEP. As documented in the Report for Citywide Recalibration of InfoWorks Models (DEP, 2012), the models to support the Long Term Control Planning (LTCP) efforts were constructed with a resolution to include sewers generally 60 inches and larger in size to characterize the hydraulic

calculations at combined sewer regulators, outfalls, and the interceptors sewers. Drainage areas (subcatchments) to individual regulators delineated to drain into the modeled 60 inches and larger sewer network are coarser, encompassing dozens or hundreds of City blocks.

To focus on the rezoning area, the model used for the analysis was expanded to include sewers smaller than 60 inches and the associated finer subcatchments; as such, the time of concentration in urban subcatchments and time of travel within the sewer network get altered from the WRRF scale model. This is the fundamental reason for minor changes seen in the combined sewer overflow (CSO) characteristics between Gowanus Canal LTCP/Superfund CSO Tank efforts and the rezoning-focused modeling results presented in Appendix F of the DEIS. Similarly, the changes in boundary conditions, such as sanitary flows (both in quantity and the distribution within a WRRF service area), will lead to minor differences in CSOs as the sanitary flows form the baseflow conditions in the sewers and runoff gets added to these baseflows in sewers during rainy periods. As each modeling effort uses models with different resolution or boundary conditions, small differences are expected to be seen in the results presented under different projects. Specific differences between the LTCP/Superfund efforts and DEIS analyses are summarized as part of the response to Comment 11-5.

**Comment 11-2:**

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

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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. (Garbarini\_074)

**Response 11-2:** Please see the response to Comment 11-1. The above response provides clarification to the minor differences in the analyses. Please also see the response to Comment 11-5. As shown, the Proposed Actions would reduce CSO discharge to the Canal and therefore is consistent with EPA orders.

**Comment 11-3:** 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. (Garbarini\_074)

**Response 11-3:** Following CEQR methodology, screening level assessments are the first step in evaluating the potential effects of an action on the environment. Therefore a screening assessment was done using CEQR standards to determine if further detailed analysis was needed. Using the 100 gpd from the *CEQR Technical Manual*, this yielded the 1.98 mgd in Table 11-8. The detailed analysis used more refined and area-specific numbers (see the response to Comment 11-4 for more details on area-specific numbers); this analysis yielded an increase of 1.285 mgd in Appendix F, rounded to 1.29 mgd in the Principal Conclusions discussion on page 11-4.

The 1.605 mgd referred to in the comment is actually the difference between With Action flow of 2.245 mgd (2035 conditions) and Baseline (2019 conditions) flow of 0.64 mgd. However, CEQR’s incremental analysis uses the difference between the Future Without the Proposed Action and the Future With the Proposed Action conditions. Neighborhoods are not static and change regardless of Proposed Actions. The DEIS makes assumptions of future conditions without the Proposed Actions (No Action condition) based on a number of factors and compares that to the With Action condition. Comparing these two futures if the actions are or are not implemented is appropriate for the community and decisionmakers in this context of a Neighborhood Plan. The effect of the rezoning, therefore, is the With Action flow of 2.245 mgd less the 2035 No Action condition flow, 0.960 mgd, which is 1.285 mgd.

**Comment 11-4:** 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 provided in written testimony). This variation needs to be explained. (Garbarini\_074)

**Response 11-4:** Please see the response to Comment 11-3. The 100 gpd sanitary flow in the *CEQR Technical Manual* is a screening number used for desktop evaluations as part of the preliminary analysis in order to determine if a detailed analysis is warranted. The 100 gpd flow rate was a conservative estimate made at the time of the 2010 *CEQR Technical Manual*. As described below, it was determined that 73 GPD is appropriate for the detailed modeling evaluations for the Gowanus DEIS. The 100 gpd number may have caused confusion in its placement in Chapter 11, "Water and Sewer Infrastructure," and should not be construed as a key input into the detailed analysis.

DEP's Bureau of Environmental Planning and Analysis (BEPA) used the citywide automatic meter reading (AMR) residential water demand data for Fiscal Year (FY) 2016–FY2019 and determined that the citywide four-year residential water usage average was 73 gpd. For Brooklyn, the FY2019 residential water usage is lower and estimated to be only 65 gpd. BEPA's methodology was to isolate citywide residential consumption (AMR data) and divide that consumption by the number of housing units or each residential building in the City, as provided by MapPLUTO.<sup>9</sup>

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<sup>9</sup> The Primary Land Use Tax Lot Output (PLUTO™) data file contains extensive land use and geographic data at the tax lot level in an ASCII comma-delimited file. The PLUTO tax lot data files contain over seventy data fields derived from data files maintained by the Department of City Planning (DCP),

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BEPA then divided that by the average household size, according to U.S. Census population unit measurement area (PUMA) district numbers.

For the purposes of a conservative analysis, the citywide number of 73 gpd was selected for the EIS analysis in this Brooklyn neighborhood, instead of the lower 65 gpd appropriate for Brooklyn.

The Ten States' Standards Manual Section 11.243 Hydraulic Capacity for Wastewater Facilities to Serve New Collection Systems states that "the sizing of wastewater facilities receiving flows from new waste water collection systems shall be based on an average daily flow of 100 gallons (380 Liters) per capita plus wastewater flow from industrial plants and major institutional and commercial facilities unless water use data or other justification upon which to better estimate flow is provided." This guidance is pertinent to the design of new collection systems, so it is not directly relevant to the sewer capacity analysis performed herein. However, it is important to note that this guidance does provide flexibility for a wastewater utility to use metered water use data to develop better estimates.

Also, note that the Ten States' Standards 100 gallons per capital number includes an inflow and infiltration (I/I) component into the existing sewers, which represents the extraneous flow into sewers through cracks and leaky joints irrespective of the population contributing sanitary flows into the system. This component has been already accounted for in DEP's Gowanus models. Therefore, the use of 100 gpd for new population being added as part of the With Action scenario is not warranted for this detailed analysis.

The analysis also uses a conservative estimation of future sanitary flows. First, the No Action scenario for 2035 assumes an increase in population from the Baseline condition (the Baseline condition represents existing conditions in the rezoning area). The analysis then incorporates the additional With Action population projected to result from the rezoning. Under the With Action scenario, 63 Projected Development Sites are projected to increase the area population by approximately 18,000 people (referred to as Reasonable Worst-Case Development Scenario [RWCDs] lots). The cumulative addition of No Action population and With Action population gives a conservative view of what could occur in the future should the rezoning be adopted. As such, the population used for the With

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Department of Finance (DOF), Department of Citywide Administrative Services (DCAS), and Landmarks Preservation Commission (LPC). DCP has created additional fields based on data obtained from one or more of the major data sources. Pluto is updated monthly. Check the City Planning web site, [www.nyc.gov/planning](http://www.nyc.gov/planning), for update status.

Action scenario leads to a conservative estimation of base residential sanitary flows and consequent CSO discharges during wet weather.

The detailed analysis of the rezoning area includes these 63 projected RWCDs sites and other existing residential and industrial/commercial buildings. The population and sanitary flow generation shown in Table 3-4 of Appendix F uses 73 gpd per person only for the 63 projected sites. The remaining lots within the rezoning area, with existing buildings, used flows from the 2035 wastewater flow projection for the two WRRF service areas, consistent with the Gowanus Canal LTCP and Superfund CSO Tank efforts. These more conservative flows were used as it was not known if the buildings utilize low-flow fixtures or other features assumed to be present in new developments. As such, the total flows from both rezoning sites and remainder of the rezoning area should not be used to develop or compare average unit sanitary flows for different scenarios (Baseline versus No Action versus With Action), as has been done in the EPA review.

An explanation of the 100 versus 73 gpd will be incorporated into the FEIS to make the sequence of the analyses clearer to the reader.

**Comment 11-5:**

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. (Garbarini\_074)

**Response 11-5:**

The Flow Volume Matrix presented in Tables 11-4, 11-7, and 11-11 in Chapter 11, “Water and Sewer Infrastructure,” only accounts for the sanitary sewage generated on the projected development sites and does not reflect all development in the catchment areas. In existing conditions, there is very little sanitary sewage generation on many of the projected development sites in some catchment areas, due to a relatively few number of projected development sites and existing low-generation uses: for example, in the RH-R23 catchment area, there are only three projected development sites, two of which contain warehouse and auto-related uses and one of which is vacant land, and the existing condition sanitary sewage generation is only 535 gpd (see Table 11-2). When the matrix

calculates the sanitary volume in Million Gallons (MG), in some cases the volumes are less than 10,000 gallons, and therefore rounds down to 0.00. The Flow Volume Matrix rainfall scenarios have both a rainfall volume and duration component, i.e., it accounts for both the amount of rainfall and how long the event lasts (the Rainfall Duration column).

The sanitary volumes noted in these Flow Volume Matrix tables are presented in volumetric units (MG) and not the flow rate in mgd. The Flow Volume Matrix rainfall scenarios have both a rainfall volume and duration component, i.e., it accounts for both the amount of rainfall and how long the event lasts (the Rainfall Duration column). When the flow rates in mgd are multiplied by the different durations associated with the rainfall event scenarios shown in these tables, the volumes of sanitary sewage for different rainfall events are different accordingly. As a result, longer duration events result in higher sanitary sewage volumes reported during these events.

The sanitary flows presented in Tables 11-4, 11-7, and 11-11 were preliminary estimates developed in accordance with Section 320 of Chapter 13 of the *CEQR Technical Manual*. These were refined in the Appendix F calculations, using more robust population distribution and per capita wastewater generation inputs.

**Comment 11-6:**

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. (Garbarini\_074)

**Response 11-6:**

The EIS analysis was specifically prepared to examine the potential effect of the projected developments on the sewer system including changes to



CSO and street flooding. There are five principal differences between the 2018 NYC Tunnel Alternative Analysis for “Tanks Only” scenario and the DEIS, as described in Page 3 of Appendix F. These differences are summarized here:

- The 2018 NYC Tunnel Alternative Analysis used coarser subcatchments from the LTCP model that often encompass dozens or hundreds of city blocks whereas the RWCDs model has been built at a higher resolution within the rezoning area at the scale of lots. The differences in time of concentration at the subcatchment-scale and time of travel for combined sewage within the sewer system between the coarse and high-resolution models will exhibit minor differences in CSO volumes/peaks at the CSO outfalls;
- The results presented at the September 10, 2018 NYC Tunnel Alternative for the “Tanks Only” scenario and Gowanus Canal LTCP modeling efforts used the 2040 planning year for sanitary flow projection. This is based on the selection of Year 2040 for likely construction of all LTCP-related projects, including the CSO tanks. However, the DEIS used a planning “build year” of 2035 to analyze neighborhood-wide proposed zoning changes. As such, the Year 2035 flow projections for Red Hook (RH) and Owls Head (OH) WRRFs have been used.
- The results presented at the September 10, 2018 NYC Tunnel Alternative for the “Tanks Only” scenario and Gowanus Canal LTCP modeling efforts used a population distribution method that has been replaced by the Transit Analysis Zone (TAZ) method in the DEIS within the Gowanus rezoning area.<sup>10</sup> The LTCP/Superfund modeling used the 2010 census block data on residential population (most recent official data available when the RH and OH WRRF models were calibrated and validated) that was applied at the scale of large subcatchments encompassing dozens or hundreds of city blocks.
- In the latest design of RH-034 tank, the tributary sewer system to Nevins Street Pump Station has been reconfigured to drain to the tank by gravity, with raising of weirs at the four CSO outfalls on the

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<sup>10</sup> The TAZ is a statistical entity delineated by state/city transportation agencies to tabulate traffic-related census data, especially the journey-to-work and place-of-work statistics. A TAZ can include one or more census blocks, block groups, or census tracts and can provide a more robust way of estimating population than the traditional census block methodology used in the LTCP/Superfund models. This is particularly useful for dense urban areas such as Brooklyn. More robust population projections at neighborhood scales in the TAZ method and the associated per capita flows have changed the sanitary flow allocations for each combined sewer regulator, which can redistribute the estimated CSO discharges among different outfalls. Outside of the Gowanus rezoning area, the population projections have been maintained the same as in the LTCP/superfund projects.

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eastern side of the Canal. This new design was not reflected in the prior 2018 "Tanks Only" scenario. It is worth emphasizing that the detailed analysis shows that, with the Gowanus Rezoning, the CSO volume reductions at RH-034 and OH-007 would be as much as was modeled in 2018 (76% and 85%, respectively), well exceeding the ROD requirement of 58-74% volume reduction at these two largest CSO outfalls within Gowanus Canal watershed; and

- On-site stormwater controls to achieve the green infrastructure targets in the LTCP/Superfund efforts have been modeled using lumped representation of retention and detention practices. This is attributed to coarser subcatchments encompassing dozens or hundreds of city blocks and the modeling of individual green infrastructure assets was not performed in the LTCP/Superfund ICM models. On the other hand, the retention and detention stormwater controls sized based on the Unified Stormwater Rule have been modeled individually at each of the RWCDs lots. Capturing the characteristics of stormwater controls including infiltration, storage, and routing of peak flows on-site in a more robust way in RWCDs lots make minor differences in the characteristics of CSOs at end-of-pipe. Furthermore, the USWR requirements for onsite detention release rates are more stringent than those for the 2012 rule and provide greater CSO reduction benefits.

The results shown in Appendix F, with the improvements included in the model as listed above, show that the rezoning will result in over 5 MG a year reduction in CSO discharge into the Canal.

**Comment 11-7:** 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. (Garbarini\_074)

**Response 11-7:** See the response to Comment 11-6 for detailed explanation on changes between the September 10, 2018 NYC Tunnel Alternative presentation for "Tanks Only" scenario and the DEIS analysis. The TAZ methodology of distributing the population and different per capita wastewater generation on the west side of the canal for the No Action scenario are different from the inputs used in the analysis shown at the September 10, 2018 Gowanus Tunnel Alternative presentation for the "Tanks Only" scenario from the Gowanus Canal Superfund CSO Tank analysis. However, these marginal changes in flows at the west side outfalls are insignificant in comparison to the overall CSO reductions achieved at RH-034 and OH-007 to meet the ROD requirements.

**Comment 11-8:** The CSO discharge volumes shown in Table 4-2 of Appendix F are not consistent with Chapter 11 of the DEIS. (Garbarini\_074)

**Response 11-8:** Table 4-2 in Appendix F is the exact basis for numbers reflected in Table 11-16 in Chapter 11, “Water and Sewer Infrastructure,” of the DEIS. There is a difference in significant digits (two digits in Appendix F versus one significant digit in the DEIS) that led to minor differences seen for the No Action and With Action scenarios in these two tables. Significant digits consistency will be maintained between the two tables in the FEIS to show the same exact values.

**Comment 11-9:** 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. (Garbarini\_074)

**Response 11-9:** The spreadsheet stormwater calculations shown in Chapter 11, “Water and Sewer Infrastructure,” of the DEIS are consistent with the current *CEQR Technical Manual* and performed on an event-basis and were part of a preliminary initial screening analysis, whereas the Appendix F calculations were part of a detailed analysis incorporating the Unified Stormwater Rule and are consistent with the LTCP/Superfund-related sewer modeling work performed by DEP with the assumptions applicable for the DEIS analysis (e.g., 2035 dry weather flows at WRRF service area scale and TAZ methodology within the rezoning area). The LTCP/Superfund model’s populations developed from available census block data have been updated with TAZ estimates to represent population increases at lot-scale.

**Comment 11-10:** 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

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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.

Certain CSO outfalls 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. DEP could provide a probability analysis of the various impacts of the range of potential climate change outcomes on future projected CSO discharge volumes. (Garbarini\_074)

### **Response 11-10:**

Selection of a representative year for rainfall rates are considered carefully and include long-term statistical analysis of rainfall at all three gauges maintained by the National Oceanic and Atmospheric Administration (NOAA) in the City. A representative year is used across the entire City for many purposes, including detailed analyses such as the one performed for the Proposed Actions and for citywide planning projects. Simply using the latest year’s rainfall rates or an anomalous event as a baseline is not tenable for planning projects that take years to plan, design, and implement. While climate change is projected to increase rainfall rates across the five boroughs, the New York City region and country, selection of a representative year looks at more than just a peak rainfall season or an anomalous rainfall event, such as the ones that occurred in August and September 2021. Criteria and metrics that went in to selecting the 2008 JFK Rainfall record as the representative year include comparing monthly rainfall volume, average and maximum intensities, and durations across years of meteorological recordkeeping. For consistency among citywide planning projects aimed at water quality

improvement, the City continues to use the 2008 JFK Rainfall to guide the capital improvement program. During the design of capital projects, the City rigorously performs both the typical year and design storm evaluations to inform project-specific decision-making. The City will continue to assess the most representative year for rainfall rates as the City moves forward to tackle the challenges posed by climate change and make our City more resilient and sustainable.

**Comment 11-11:** On July 14, 2021, the City submitted a letter concerning whether it intends to comply with the EPA’s Superfund administrative 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 noncompliance (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. 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. (Garbarini\_074)

**Response 11-11:** In its July 14, 2021 letter to EPA, the City set forth in great detail why construction deadlines for the CSO retention tanks set forth in the Order are not achievable.

The dates in Figure 11-4 are what was presented in DEP’s Gowanus Tanks EIS for planning purposes. The DEIS for the Proposed Actions evaluated the rezoning build-out year of 2035, which is after the tanks are online. As the design of the tanks and discussions between EPA and the City progress, the dates are subject to change; therefore, for the planning purpose of the DEIS, the Tanks EIS dates were selected.

**Comment 11-12:** The City 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

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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. 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. (Garbarini\_074)

### **Response 11-12:**

In its July 14, 2021 letter to EPA, the City set forth its legal argument that EPA did not have statutory authority under the Comprehensive Environmental Response, Compensation and Liability Act to require the City to "ensure appropriate implementation" of its own regulations. The City did not, however state that it would not implement and enforce the pending Unified Stormwater Rule. In fact, the Unified Stormwater Rule is on track to be effective on or before June 30th, 2022. Thus, it is appropriate for the DEIS to presume that the anticipated stormwater regulations will be implemented in a manner that achieves the CSO discharge projections set forth in the DEIS.

### **Comment 11-13:**

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. 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. (CB6\_001, Parker\_050)

I, along with other elected officials, asked for an EPA assessment to ensure that the EPA informs us that their comment will identify several inconsistencies in the presentation of waste water and storm water calculations. At the moment, it is uncertain if correcting these

discrepancies will allow the developers to claim that this project will reduce CSO, besides the larger neighborhood-wide problem of our outdated and insufficient waste water issues. (Riccobono\_047, Sielaff\_043, Velazquez\_003)

The community has 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 as co-involved agencies evaluating the DEIS findings; we don't yet have that information. (Simon\_004, Simon\_155)

The rezoning would permit land and elevation changes and put residents of NYCHA's Gowanus Houses at increased flood risk. 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 the regrading could affect the pattern of water displacement, the study does not include a comprehensive plan for this, as it is standing now. EAP commented in a letter to elected officials on July 13 stated: "There are several inconsistencies in the DEIS between modeling performed for the long-term control plan for the Canal and for EPA-associated remedial design. For the CSO retention tanks, these inconsistencies need to be resolved." Due to these unaddressed 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. (Ishenko\_038, Woodhead II\_170)

When the retention tank size was calculated, it was only calculated to the current condition of CSOs and overflow, not to the condition with all the new housing being built throughout the area by 2030. EPA says it expects to provide comments on the DEIS identifying a number of inconsistencies in the presentation of wastewater and stormwater calculations; in addition, EPA has identified errors in other DEIS calculations. (Koteen\_039)

I urge the City to redo the DEIS; 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 Gowanus Canal is not compromised. The EPA commented in a letter to elected officials on July 13 there are several inconsistencies in the DEIS between the modeling performed for the long-term control plan for the Gowanus, the modeling done for EPA associated with a remedial design of the CSO retention tanks and for the DEIS. These inconsistencies need to be resolved. (Sielaff\_043, Sielaff\_114)

Earlier this month EPA revealed to Congresswoman Velazquez that they have indeed identified flaws in the water modeling used by the City and the Gowanus DEIS before you today. Just to note the amount of coliform

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bacteria, meaning poop, in the water is 1,000 percent more than what is legal. (Stoller\_052)

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. (Francis\_165)

### **Response 11-13:**

Please see the responses to Comments 11-1, 11-5, and 11-6. The DEP tank design and storage volumes to fulfill requirements of the ROD are conservative and already greatly exceed the percentage reduction needed to protect the remedy. Modeling shows that the rezoning, in conjunction with the stormwater rules, will reduce loads to the Canal as the drainage area is developed.

In its July 14, 2021 letter to EPA, the City set forth in great detail why construction deadlines for the CSO retention tanks set forth in the order are not achievable.

### **Comment 11-14:**

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. (CB6\_001)

The City must follow the EPA timeline to construct the CSO retention tanks. (Neuman\_041)

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. (Benn\_118)

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 floodplain. (Constanino\_116)

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. There



must first be a 100% clean up of these toxic lands including the completion of the Superfund 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? No one planned for a pandemic and we see it has brought unpredictable consequences, including the need to adaptively (Koteen\_125)

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. (Devaney\_163)

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. (LeCompte\_169)

**Response 11-14:**

The tank design to fulfil the requirements of the ROD are conservative and exceed the percentage reduction needed to protect the remedy. Modeling shows that the rezoning, in conjunction with the Unified Stormwater Rule, will reduce loads to the Canal as the drainage area is developed.

As noted previously, the detailed analysis presented in Chapter 11, "Water and Sewer Infrastructure," and Appendix F was conducted per *CEQR Technical Manual* guidance for the 2035 build year and refined by DEP based on metered water use data. While not required per the *CEQR Technical Manual*, to respond to this comment, an interim year analysis was performed for 2030 that looked at the future with development related to the rezoning projected to be operational and occupied but

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before the CSO storage tanks are online. This analysis showed a decrease in CSO volumes projected in both the No Action and With Action conditions as compared to the baseline condition. The With Action condition, which includes all projected development sites expected to be constructed by 2030, showed a volume reduction of 2.5 million gallons per year of CSO compared to the No Action condition discharged into the Canal, primarily due to on-site stormwater management in accordance with the proposed Unified Stormwater Rule. Please see Chapter 11, “Water and Sewer Infrastructure,” for more information related to this analysis.

As mentioned above, the City set forth in great detail why construction deadlines for the CSO retention tanks set forth in the order are not achievable in its July 14, 2021 letter to EPA. The tanks are still expected to be online within the 2035 build year.

### **Comment 11-15:**

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. (CB6\_001)

The proposal does not provide for a mechanism for ensuring that there are no net CSOs. (Simon\_004)

To ensure new development does not increase pollution, we demand a net zero CSO rezoning. 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. Absent this new rule, the City concedes that CSO would actually increase by 3 million gallons a year. To ensure that our demand is met, the new rule must be, in effect, prior to the first site sewer connection in the rezoning area. (Mozny\_031)

### **Response 11-15:**

DEP intends to publicly notice the Unified Stormwater Rule by the end of the year and has been conducting significant outreach for the last two years to communicate the objectives to public agencies, private developers, and the engineering and design industry. The rule is anticipated to be in effect no later than June 30th, 2022, per the City’s Municipal Separate Storm Sewer System (MS4) permit.

### **Comment 11-16:**

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 modeled 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. (CB6\_001)

The City must anticipate impacts of climate change and acknowledge existing limitations of the sewer system through clear commitment for infrastructure that will address capacity issues. The sewer model in the DEIS is a step towards the local flood resiliency study that the community has been asking for for years. But the City must commit to further developing this to identify critical infrastructure needs, including upgrades of the Bond Lorraine sewer line. Increasing volume capture at the CSO facility at the Salt lot, additional sewer separation projects, and more green infrastructure throughout the watershed. Recent citywide plans that address imminent coastal flooding have identified Gowanus as an area ripe for targeted infrastructure investment that would address deep and contiguous inland flooding. Now is the time to put these plans into action and follow through on commitments. (Motzny\_031)

**Response 11-16:** DEP submits SPDES BMP reports to the New York State Department of Environmental Protection on an annual basis, documenting the estimated CSO discharges for each calendar year from all outfalls along with the operational improvements and maintenance procedures to continually improve the existing system performance. The City is undertaking a multipronged approach to enhancing citywide stormwater resiliency to climate change impacts. The City recently released a Stormwater Resiliency Plan and stormwater floodmaps to guide policy, additional analysis, and intervention planning.

**Comment 11-17:** 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. (CB6\_001)

The DEIS does not study the capacity for regular sewage from Gowanus to Red Hook through existing infrastructure. (Neuman\_041)

**Response 11-17:** As discussed in Chapter 11 of the DEIS, “Water and Sewer Infrastructure,” under the RWCDS, development on the projected development sites is expected to generate a total of approximately 1.6 million gallons per day (mgd) of dry weather flow sanitary sewage in the area served by the Red Hook Water Resource Recovery Facility (WRRF), which has a maximum permitted treatment capacity of 60 mgd. Since the Red Hook WRRF has a projected average flow of 27 mgd the addition of approximately 1.6 mgd on the projected development sites represents 2.6 percent of the permitted capacity and, moreover, the WRRF would

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continue to have reserve capacity with no significant adverse impacts to wastewater treatment operations as a result of the Proposed Actions. The detailed analysis shows that in the With Action condition, the combined sewers would be within their design capacity in dry weather.

**Comment 11-18:** 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. The City must fund and conduct a study to examine the nature, severity, and causes of coastal and inland flooding in the IBZ and Red Hook. 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. (CB6\_001)

**Response 11-18:** Comment noted. The Proposed Actions would not result in any impacts on the infrastructure within the Gowanus IBZ or Red Hook area. The City's Stormwater Resiliency Plan performed a similar function as the study described above, and the area will be prioritized in all future updates.

**Comment 11-19:** 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 the EPA and the Department of Environmental Protection, pursuant to super fund, but we have an opportunity and obligation here. 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 at the new stormwater rule and making sure it really achieved the goals necessary; there could be adjustments, there are smaller sites could be covered, there might be other ways to do things it means. (Lander\_002)

**Response 11-19:** All development sites identified in the DEIS, including smaller sites, would be subjected to the new stormwater rule that requires significantly higher retention and detention of stormwater on-site.

**Comment 11-20:** The ULURP applications to facilitate the construction of the bulkhead and CSO detention tank as part of the EPA remedy at the Salt Lot site should be thought about as part of the over all Superfund remedy. We need to make sure that we're thoughtful about the users that are on it now about getting the CSO reductions that are needed and what the long-term uses and how the community engages there. And there's an opportunity,

as we think about the designations with the Gowanus 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. (Lander\_002)

The DEIS rezoning would exacerbate the combined sewer overflow problem and jeopardize the Canal superfund cleanup. It would place unwitting people on dangerous, toxic land. At manufactured gas plants sites, it would have placed thousands of additional people in the floodplain in a FEMA flood zone. (Sloane\_117, Vogel\_046)

**Response 11-20:** Please see the response to Comment 11-23; the Proposed Actions would result in reduction in CSOs to the Canal in comparison to the No Action condition. DEP has engaged the community regarding the future of the CSO detention tank and Salt Lot site and will continue to do so as design advances.

**Comment 11-21:** I've been helping owners on the Canal remediation sites starting in 1996 and I've worked in coordination with the New York State Department of Environmental Conservation (DEC), the New York City Mayor's Office of Environmental Remediation (OER), and the U.S. Environmental Protection Agency (EPA) to facilitate this remediation. I'd like to comment the rezoning effort, because it is what will facilitate the upland remediation and ensure that the federal remedy remains in place. Without the redevelopment the uplands will not get cleaned up anytime soon, and with the redevelopment we get to upgrade our infrastructure of both sanitary and stormwater systems to keep CSO impacts to a minimum. On that point, it is imperative that there be no stormwater added to the combined sewer system, and that should be a focal point for this group. (Yudelson\_011)

**Response 11-21:** As discussed in Chapter 11 of the DEIS, "Water and Sewer Infrastructure," independent of the Proposed Actions, DEP has commenced construction and installation of High-Level Storm Sewers (HLSS) in the Gowanus watershed area, which will create a separate stormwater discharge to the Canal through a stormwater outfall at Carroll Street. This project is a form of partial separation that separates stormwater from streets or other public rights-of-way from combined sewers, which would reduce stormwater flows entering the combined sewer system. As part of the HLSS project, 87 new catch basins will be installed to allow stormwater to drain from the streets into 14,000 linear feet of new high-level storm sewers. In addition, all existing catch basin drainage connections will be switched from the existing combined sewer to the new high-level storm sewers.

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As the Gowanus watershed is primarily served by a combined sewer system, it is not feasible to prevent all stormwater from entering the system. However, with the implementation of HLSS and other infrastructure improvements to control CSOs being discharged into the Gowanus Canal, including the CSO control facilities mandated by the U.S. Environmental Protection Agency (EPA), there is expected to be a significant reduction in CSO volumes in the No Action condition. Furthermore, 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 as a result of the new on-site stormwater management volume requirements under the Unified Stormwater Rule. Therefore, the analysis finds that CSO volumes discharged to the Canal would remain well below existing conditions, the Proposed Actions would not affect the City's ability to meet the EPA Superfund requirements, and would not result in significant adverse impacts on DEP infrastructure in the Gowanus Canal Drainage area.

**Comment 11-22:** 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 working off 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. (Koteen\_039)

**Response 11-22:** Comment noted. The City's waterbody watershed plans (pre-LTCPs) were developed based on the typical year of 1988 JFK Airport data with an annual rainfall of approximately 40 inches. Subsequent to public input, the City performed a long-term statistical analysis to select 2008 JFK Airport data with an annual total of over 46 inches. Alternatives evaluation and selection of capital projects citywide is performed with this typical year through the LTCP process approved by EPA and DEC. The City will continue to evaluate water quality improvement projects using the typical year for consistency. The City's design of capital projects includes a rigorous evaluation of performance using design storms that do take into account climate variability.

**Comment 11-23:** This community suffers from combined sewage outflows; sewage coming into the Canal from 20,000 more residents will increase pathogens in the Canal and the yet-to-be-instituted stormwater rule doesn't solve that problem. The City plans to keep dumping raw sewage into the Canal indefinitely in violation of the Clean Water Act. (Sielaff\_043, Sielaff\_114, Terzis\_160)

**Response 11-23:** As discussed in Chapter 11 of the DEIS, “Water and Sewer Infrastructure,” DEP performed a detailed drainage analysis and CSO assessment in connection with the Proposed Actions. The detailed analysis accounted for the significant infrastructure improvements DEP is constructing in the Gowanus watershed independent of the Proposed Actions, including HLSS, green infrastructure improvements, and the Gowanus Canal CSO Facilities. The analysis found that, in the With Action condition, CSO volumes and street flooding conditions would decrease as compared to the No Action condition despite the increase in sanitary flows from new development, due to increased on-site stormwater management volume requirements, more stringent release rate restrictions, and the number of retention practices implemented with new development in accordance with the proposed Unified Stormwater Rule. Overall, in the With Action condition, CSO volumes discharged to the Canal would be similar to those in the No Action condition, and the Proposed Actions would not affect the City’s ability to meet the EPA ROD CSO requirements. Therefore, the Proposed Actions are not projected to significantly affect CSO discharges or water quality in the Gowanus Canal.

**Comment 11-24:** I’m very concerned about the water quality; we keep hearing this notion of net zero; it’s meaningless in terms of water quality standards, but what we’re talking about with the DEP plan is they’re trading one gallon of water that’s half sewage sludge and half rain for a gallon that’s going to be 100% sewage sludge. So, at best it’ll stay the same, more likely because they’re claiming people are going to be removing rainwater where they’re currently not sending rainwater to the system. You look at the Public Place site, and there’s no rain water channel into our sewer system from that site. Yet the DEP storm water act gives them a credit for not sending rainwater to the site and says, “oh, they’re subtracting so they’re not going to have the impact with the new sewage that’s going in.” We are going to have a lot more loads from the sewage in those pipes and from the Public Place site; it’s not going to overflow into the Gowanus, it’s being sent down to Red Hook where it now has to go all the way up along Columbia Street, where it re-emerges with the stuff that’s coming from Atlantic Yards. (Donnelly\_049)

We need to know, even *should* CSO volume actually be kept, or even slight reduction, will the concentrations of raw sewage within 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. There are serious concerns that the volume of CSO will increase under this action, given all the many new additions to the sewer 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. 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. 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. (Donnelly\_166)

**Response 11-24:** DEP performed a detailed drainage analysis and CSO assessment which found that, in the With Action condition, CSO volumes and street flooding conditions would decrease as compared to the No Action condition despite the increase in sanitary flows from new development. Overall, in the With Action condition, CSO volumes discharged to the Canal would be similar to those in the No Action condition, and the Proposed Actions would not affect the City's ability to meet the EPA ROD CSO requirements. Therefore, the Proposed Actions are not projected to significantly affect CSO discharges or water quality in the Gowanus Canal.

**Comment 11-25:** 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. (GCC\_073, GNCJ\_167)

**Response 11-25:** In 2020, the Green Infrastructure Maintenance Rain Garden Stewardship Program began initiatives to focus on collaborations with more neighborhood groups, and started developing material for an education program to offer schools. Although the COVID-19 pandemic affected public outreach and programming, 22 individual stewards and five neighborhood groups representing a total of eight neighborhoods were trained and onboarded to be part of the stewardship program in 2020. In addition, the City recently launched the CCC, which is projected to create 10,000 jobs and make New York City the cleanest, greenest city in the



United States. DEP has planned to extend and utilize this effort for agency-wide steward-ship needs including catch basin stenciling, rain garden care and other cleanups as well. As the New York City Green Infrastructure Program continues to evolve, and as more green infrastructure practices come into maintenance status, additional opportunities for stewardship will be identified.

**Comment 11-26:** 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. 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. 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. (GCC\_073, GNCJ\_167)

**Response 11-26:** Comment noted. DEP is committed to having the Unified Stormwater Rule in place by July 2022, as required by the City’s MS4 permit. As shown in the DEIS and clarified in this chapter, the rezoning is projected to result in a reduction in CSO to the Canal.

**Comment 11-27:** 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. 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

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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. (GCC\_073, GNCJ\_167)

**Response 11-27:** See the response to Comment 11-26.

**Comment 11-28:** 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: 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 Projected Development sites. (GCC\_073, GNCJ\_167)

**Response 11-28:** Comment noted. Please see the responses to Comments 3 and 11-4. The criteria by which the RWCDS for the Proposed Actions were developed are laid out in detail in the EIS. Any criteria specific to conditions in Gowanus are noted. Generally, the RWCDS states that in order to provide for a conservative analysis, standard and neighborhood-tailored criteria and methodologies were used to project future development under the Proposed Actions. For areawide rezonings that create a broad range of development opportunities, new development is expected to occur on select, rather than all, sites within the rezoning area.

**Comment 11-29:** 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 CSO-sheds that will not receive additional infrastructure investment to manage this anticipated growth. (GCC\_073, GNCJ\_167)

**Response 11-29:** See the responses to Comments 1-4 and 1-133. See also the responses to comments 11-4 and 11-28. As discussed in Chapter 1, “Project Description,” of the DEIS, development sites are determined based on standard soft-site criteria and site conditions which may be specific to certain neighborhoods. Development sites have been divided into two categories: projected development sites and potential development sites. The projected development sites are considered more likely to be developed within the analysis build year timeframe. Potential sites are considered less likely to be developed within the analysis build year. Potential development sites were identified based on specific criteria, including slightly irregularly shaped or encumbered sites that would make as-of-right development difficult; lots with a significant number of commercial or industrial tenants, which may be difficult to develop due to long-term leases; active businesses, which may provide unique services or are prominent and successful neighborhood businesses or organizations unlikely to move; and/or sites divided between disparate zoning districts. The DEIS assesses a net increase of approximately 8,500 new units and over 730,000 square feet of commercial space. The development projections analyzed in the DEIS represent the largest development program analyzed of any recent area-wide neighborhood rezoning in New York City.

**Comment 11-30:** 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 watershed 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. At a minimum and echoing recent concerns expressed by EPA in their July 13th correspondence to Gowanus elected officials regarding inconsistencies in the DEIS, 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. (GCC\_073, GNCJ\_167)

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**Response 11-30:** Comment noted. Please refer to the responses to Comments 11-10 and 11-22.

**Comment 11-31:** 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. 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. (GCC\_073, GNCJ\_167)

**Response 11-31:** The drainage plan accounts for maximum development potential, therefore the Amended Drainage Plan for this area would not need to be updated for individual developments. DEP is under an EPA order to conduct monitoring and the findings will be reported to EPA and distributed to the public.

**Comment 11-32:** 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 WRRF'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 proposed development on Governors Island and Atlantic Yards and the underestimated development projected in the 2004 Downtown Brooklyn Rezoning and the 2003 4th Avenue Rezoning. (GCC\_073, GNCJ\_167)

**Response 11-32:** Permitted dry weather capacities at the Red Hook and Owls Head WRRFs are 60 mgd and 120 mgd, respectively. Similarly, the wet weather capacities are 120 mgd and 240 mgd, respectively. Average dry weather flow at the Red Hook WRRF is about 27 mgd and, even with the additional sanitary flows from rezoning, the plant will be receiving flows only to about 50 percent of its dry weather capacity.

**Comment 11-33:** 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). 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. 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. (GCC\_073, GNCJ\_167)

**Response 11-33:** Comment noted. While DEP acknowledges that the drainage system in the Gowanus area is undersized to current design criteria, the purpose of the EIS was to evaluate the incremental effect due to the Proposed Actions. As presented in the DEIS, the Proposed Actions are anticipated to result in a reduction of surface flooding in the rezoning area.

**Comment 11-34:** The flood risk assessment presented in the DEIS fails to acknowledge the recent NYC Stormwater Resiliency Plan 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, which shows extreme stormwater flood risk in parts of Gowanus. Prior to finalizing the FEIS, the City must incorporate these data to ensure a comprehensive assessment of neighborhood flooding. (GCC\_073, GNCJ\_167)

**Response 11-34:** The Stormwater Resiliency Plan is a citywide overview of New York City’s existing drainage network and emergency procedures. The plan also presents stormwater maps and outlines actions the City is pursuing to manage flash flooding. The New York City Stormwater Resiliency Plan was released after the publication of DEIS. The DEIS presents a refined detailed analysis of the Gowanus area in Chapter 11, “Water and

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Sewer Infrastructure,” and Appendix F. The analysis shows new development pursuant to the Proposed Actions and new stormwater rule would reduce CSO volumes and street flooding as compared to the No Action condition despite the increase in sanitary flows from new development.

**Comment 11-35:** Assessment of sewer system capacity must address known capacity issues of infrastructure diverting flows to the Red Hook WRRF. 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. DEP) 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%. 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. (GCC\_073, GNCJ\_167)

**Response 11-35:** The City acknowledges that sewer infrastructure in the rezoning area is undersized to current design criteria. This EIS evaluated the rezoning’s incremental impact on the existing system. As shown, the rezoning is anticipated to help reduce burden on the drainage system as a result of new development being required to comply with the Unified Stormwater Rule.

**Comment 11-36:** The City must acknowledge the existing limitations of the sewer system, and make commitments for infrastructure that will address capacity issues, including the completion of a comprehensive hydrological study and a commitment of capital funds to the Bond-Lorraine sewer line to address capacity issues in the Red Hook watershed. (GCC\_073, GNCJ\_167)

**Response 11-36:** Please see the response to Comment 11-35.

**Comment 11-37:** 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, the Agency is amenable to discussing a potential expansion of the volume of the two CSO retention tanks in relation to the rezoning proposal. It must also 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. (GCC\_073, GNCJ\_167)

**Response 11-37:** As shown in the EIS, the Proposed Actions would result in a reduction in CSO to the Canal. Therefore, the tanks are adequately sized to handle the demand generated by the rezoning.

In the response to Comment 11-14, an interim year analysis was performed for 2030 to examine the condition with development related to the rezoning but before the CSO storage tanks are online. This analysis showed a decrease in CSO volumes projected in both the No Action and With Action conditions as compared to the baseline (2019) condition. The With Action condition, which included all projected development sites expected to be constructed by 2030, showed a volume reduction of 2.5 million gallons per year of CSO compared to the No Action condition discharged into the Canal, primarily due to onsite stormwater management in accordance with the proposed Unified Stormwater Rule. Please see Chapter 11, “Water and Sewer Infrastructure,” to see more on this analysis.

Currently all known viable and buildable locations for rights-of-way and street end green infrastructure within the rezoning area have already been realized. The development which would occur as a result of the Proposed Actions would include significant green infrastructure, as required by the Unified Stormwater Rule.

**Comment 11-38:** 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 accompany this comment letter.<sup>11</sup> 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. (Sarno\_158)

**Response 11-38:** Comment noted. As discussed in the response to Comment 11-23 and shown in the DEIS, the CSO to the Canal would be reduced with the rezoning.

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<sup>11</sup> Included as **Appendix K-2**.

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**Comment 11-39:** 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. 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. (Bisi\_159)

**Response 11-39:** Comment noted. EPA is overseeing the remediation of the Canal, including measures to be implemented at the 5th Street Turning Basin. The request is beyond the scope of the Proposed Actions.

### **CHAPTER 13: ENERGY**

**Comment 13-1:** 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 use and don't affect the actual energy use choices of occupants. The DEIS section on Energy assessment needs to assume that all the buildings allowed under this zoning action may have an energy rating of "D." (Donnelly\_166)

**Response 13-1:** As discussed in the DEIS, the Proposed Actions are zoning changes that would primarily affect privately owned properties. Decisions regarding construction and building design for those sites, which would affect energy use and GHG emissions, would be made by the property developers in accordance with the City's building code requirements in effect at the time. The City is addressing citywide building energy efficiency and other GHG-related design questions through its ongoing long-term policy development and implementation process which includes recent updates to the New York City Energy Conservation Code, the establishment of annual carbon emission limits, and requiring available rooftop space be utilized for on-site renewable energy generation. However, since specific designs are not known at the time, energy use estimates for buildings in Chapter 13, "Energy," Chapter 15, "Air Quality," and Chapter 16, "Greenhouse Gas Emissions and Climate Change," were determined using estimates of building energy use within New York City as referenced in the 2020 *CEQR Technical Manual*,



which result in conservative estimates of energy consumption compared to citywide averages of existing buildings.

#### CHAPTER 14: TRANSPORTATION

**Comment 14-1:** 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. (CB6\_001)

**Response 14-1:** The Vehicular and Pedestrian Safety Evaluation in the FEIS has been updated to reflect 2016-2018 data which are the latest data available from DOT. The Open Restaurants program was subject to its own environmental review by the City which found that it would not adversely affect pedestrian flow or safety.

**Comment 14-2:** 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. (CB6\_001)

**Response 14-2:** As stated above, the Vehicular and Pedestrian Safety Evaluation in the FEIS has been updated to reflect the latest data available from DOT. For travel demand forecasting purposes, future bicycle trips are reflected in the Walk/Other category of the trip generation assessment prepared for the DEIS. In addition, existing bicycle trips on the street network were counted during the transportation data collection program for the EIS, and the effect of bicycles on intersection capacity is therefore reflected in the analyses. While, per the *CEQR Technical Manual*, the EIS does present potential measures to enhance pedestrian/cyclist safety at high crash locations, infrastructure improvements to further support bicycle safety on an area-wide basis are subject to the review and recommendation of DOT.

#### TRAFFIC

**Comment 14-3:** The City must commit to conducting a mobility study of 3rd Avenue between 9th Street and Hamilton Avenue/16th Street near the entrance to

## **Gowanus Neighborhood Rezoning and Related Actions**

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the Gowanus Expressway, including consideration of turning lanes. (CB6\_001)

**Response 14-3:** These corridors were analyzed in the DEIS and the impacts disclosed and mitigation identified, where needed. However, the recommendation to also conduct a mobility study is outside the scope of the EIS transportation analysis.

**Comment 14-4:** 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. (CB6\_001)

**Response 14-4:** Designation and enforcement of loading zone requirements related to for-hire-vehicles, deliveries and service vehicles, and ensuring adequate enforcement of such zones, is a street and traffic management matter that is addressed through the DOT permitting process that is outside of the scope of this EIS and would be addressed, as needed, during the build out phase.

### *TRANSIT*

**Comment 14-5:** 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. (CB6\_001)

**Response 14-5:** A comprehensive analysis of potential impacts on transit systems including buses, subways and the related pedestrian elements was included in the DEIS. These analyses were performed in accordance with the guidance provided in the 2020 *CEQR Technical Manual*. The analyses are based on transit and pedestrian data collected for the EIS and the most currently available data from MTA New York City Transit. The analyses of future conditions, including the potential for significant adverse impacts, and mitigation needs, reflect the projected transit demands expected with the build-out of the Proposed Actions over the next 15 years.

**Comment 14-6:** 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. (CB6\_001)

**Response 14-6:** Reinstating the B71 bus route is a determination to be made by MTA and the DEIS is available for MTA review and assessment of future projected ridership under the proposed rezoning.

**Comment 14-7:** 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. (CB6\_001)

**Response 14-7:** As discussed in Chapter 21, “Mitigation,” in the EIS, the Proposed Actions include a zoning incentive specific to the Union Street (R train) subway station that would allow an increase in density on Site 27 in exchange for identified transit improvements to the station entrance. In addition, the Citywide Zoning for Transit and Accessibility would create a zoning authorization to allow an increase in density in exchange for identified transit improvements at all subway stations serving the neighborhood, such as providing greater access for the disabled. This would include the stations on the Culver (F/G) Line.

#### *PEDESTRIANS*

**Comment 14-8:** The traffic analysis in the DEIS notes several areas where pedestrian congestion is expected at certain times, such as the sidewalks around the Union Street bridge. Yet the proposed mitigation does not include widening sidewalks. I hope the commission and DCP staff will consider stronger provisions for improving the existing streetscapes. (Thornton\_134)

**Response 14-8:** A range of measures were considered in developing mitigation for the Proposed Actions’ significant adverse pedestrian impacts, those identified in the EIS were deemed practicable within physical and operational constraints. In addition, the Gowanus Special District would require the widening of several sidewalks throughout the neighborhood including sidewalks along 5th and Nevins Streets and 3rd Avenue.

**CHAPTER 15: AIR QUALITY**

**Comment 15-1:** The measures proposed by under the ‘E’ Designation don’t seem 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 ensure 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. (Donnelly\_166)

**Response 15-1:** The Air Quality analysis presented in the DEIS evaluates the potential impacts on air quality from heating and hot water systems associated with development that would be expected to occur with the Proposed Actions. The stationary source analyses determined that there would be no potential significant adverse air quality impacts from fossil fuel-fired heat and hot water systems at the projected and potential development sites.

**Comment 15-2:** Please use heat pumps instead of natural gas. (Remes\_140)

**Response 15-2:** The types of heating systems that may be used in the future buildings potentially built under the proposed rezoning would be subject to approval by DOB. As described in Chapter 15, “Air Quality,” to evaluate potential air quality under the RWCDs, it was assumed that No. 2 fuel oil or natural gas would be used in the projected and potential development sites’ heat and hot water systems. The stationary source analyses determined that there would be no potential significant adverse air quality impacts from fossil fuel-fired heat and hot water systems at the projected and potential development sites. At certain sites, an (E) Designation would be mapped in connection with the Proposed Actions to ensure that future developments would not result in any significant adverse air quality impacts from fossil fuel-fired heat and hot water systems emissions. Nevertheless, the proposed (E) Designations would not preclude the use of heat pumps or other electric-powered heating and hot water systems, subject to DOB approvals.

**Comment 15-3:** 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. (Donnelly\_166)

**Response 15-3:** As described in Chapter 15, “Air Quality,” at certain sites, an (E) Designation would be mapped in connection with the Proposed Actions to ensure that future developments would not result in any significant adverse air quality impacts from fossil fuel-fired heat and hot water systems emissions. The proposed (E) Designations do not mandate

the use of natural gas; rather, they specify minimum requirements that need to be met to ensure there are no significant adverse air quality impacts in event that natural gas (or No. 2 fuel oil is used).

## CHAPTER 16: GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

**Comment 16-1:** 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,<sup>12</sup> could be effective for mitigating UHI in Gowanus and should be required within the Gowanus Mix Use District and Waterfront Access Plan. (CB6\_001)

**Response 16-1:** With the Proposed Actions, the amount of impervious surface area is expected to decrease while vegetative cover and landscaping increases as vacant and underutilized manufacturing and commercial properties are redeveloped. Implementation of the zoning would therefore have positive effects on reducing greenhouse gas emissions, local climate, and head island effects. The Proposed Actions would also increase residential density in a location that is near jobs and adjacent to public transit. The Proposed Actions would, along with other provisions in the Gowanus Plan, support a more walkable city and neighborhood and encourage less driving and vehicle miles travelled, which is a significant contributor to UHI.

**Comment 16-2:** The challenge for this rezoning proposal and the area’s current and future residents can be reduced to one word and that’s climate. Climate change, climate justice, it’s all about climate and we ignored the significant climate concerns at our own peril. (Simon\_004, Simon\_155)

**Response 16-2:** The Proposed Actions’ potential to result in greenhouse gas (GHG) emissions, consistency with citywide GHG reduction goals, and the potential effects of climate change within the Project Area were evaluated in Chapter 16, “Greenhouse Gas Emissions and Climate Change,” of the DEIS. It was concluded that the Proposed Actions would not have any adverse effects with a number of benefits. The policies and proposals envisioned as part of the Proposed Actions aim to support the evolution of Gowanus into a model green neighborhood where existing and future residents and workers can live, work, and play with a minimal carbon

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<sup>12</sup> See 5f5bc22d59be9-5f5bc22d59beaULI-NY-Gowanus-UDCW-Report-Final-spreads.pdf.pdf (windows.net)

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footprint and impact on climate change. The proposal includes several elements that would foster a more sustainable and resilient neighborhood, including elevation of portions of the shoreline to prepare for future sea-level-rise; required remediation of contaminated properties; the provision of new open space, including new neighborhood parks connected by a waterfront esplanade; and supporting a denser, mixed-use neighborhood near transit. In addition, the City is working in coordination with EPA and DEP on solutions to address sewer overflow that consider the anticipated demand generated by the Proposed Actions, including plans for facilities that will intercept sewage before it reaches the Canal. Further, though unrelated to the Proposed Actions, the City Council passed legislation that requires owners of large buildings to invest in retrofitting and improving their structures to reduce their contribution to climate change. DCP has also coordinated with NYC Emergency Management through development of the Proposed Actions and Gowanus Plan, and the agencies have engaged with various community groups and stakeholders to discuss equitable, community-driven emergency preparedness planning for Gowanus today and in the future.

**Comment 16-3:** 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. (Simon\_004)

**Response 16-3:** Because the tidal floodplain along the Canal is affected by astronomic tide and meteorological forces (e.g., nor'easters and hurricanes) that affect sea level (not by fluvial flooding), the Proposed Actions would not have the potential to adversely affect the floodplain or result in increased coastal flooding at nearby public housing sites or other properties in the study area. Further, while the Proposed Actions would not directly involve the NYCHA properties, the City is engaged with local NYCHA residents and elected officials in considering significant capital investments. In addition, set standards for ecologically functional design across properties and street ends along the Canal, including opportunities for green infrastructure to reduce the impacts of runoff. These actions will benefit the NYCHA properties by reducing the likelihood of flooding from the Canal. The Gowanus Neighborhood Plan also calls for significant investment and improvements to Thomas Greene Park, a recreational area that is heavily used by the local community, including residents of the NYCHA properties.

**Comment 16-4:** 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 Gowanus, could be effective for mitigating UHI in Gowanus and should be required within the Gowanus Mix Use District and Waterfront Access Plan. (GNCJ\_167)

**Response 16-4:** See the response to Comment 16-1. The Proposed Actions are zoning changes that would primarily affect privately owned properties. Decisions regarding construction and building design for those sites, which would affect the sustainability and resiliency impacts from the urban heat island effect, would be made by the property developers in accordance with the City’s ongoing resiliency planning efforts and requirements of the Building Code. This currently includes requirements for buildings to incorporate green roofing elements on available rooftop spaces, where appropriate, and would include any additional initiatives the City may require through the build year.

**Comment 16-5:** 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. (Koteen\_125)

**Response 16-5:** As stated above, the Proposed Actions are zoning changes that would primarily affect privately owned properties. Decisions regarding construction and building design for those sites, which would affect the resiliency of these sites, would be made by the property developers in accordance with the City’s building code requirements in effect at the time. The DEIS examined the Proposed Actions’ consistency with the City’s long-term goals for addressing coastal flooding risk in New York City. As discussed in Chapter 16, “Greenhouse Gas Emissions and Climate Change,” the Proposed Actions would result in new development along the Canal that would be required to meet Building Code Appendix G requirements through strategies, such as elevation, dry flood-proofing, and/or wet flood-proofing. Additionally, the Proposed Actions would also require portions of the required waterfront open space be elevated based on future projections of sea level rise. A comprehensive analysis of potential impacts on a variety of aspects related to the environment that climate change will affect was undertaken for the DEIS. These analyses were performed in accordance with the guidance provided in the 2020 *CEQR Technical Manual*.

**Comment 16-6:** It is not helpful that the DEIS evaluates energy use nor CO<sub>2</sub> emissions by comparing the proposed use for Gowanus to the totals of NYC. NYC has the 3rd largest CO<sub>2</sub> foot print in the world so of course the makes the Gowanus rezoning look irrelevant. But if you live in many other cities in

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the US the new energy demands from this rezoning are most significant. Please consider these in terms of much needed reductions in CO<sub>2</sub> should we hope to keep the sea from overtaking Gowanus too soon. (Donelly\_166)

**Response 16-6:** As discussed in the DEIS, GHG emissions are conservatively estimated to assess the Proposed Action's consistency with the citywide GHG reduction goal for reducing emissions from building energy systems down to 30 percent below 2005 levels by 2025 and achieving net-zero citywide GHG emissions by 2050 consistent with the 2020 *CEQR Technical Manual*.

## **CHAPTER 18: PUBLIC HEALTH**

**Comment 18-1:** 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. (CB6\_001)

**Response 18-1:** The City is actively engaged with the community around implementation of the Neighborhood Plan and various proposals for continued coordination post-adoption of the land use actions. The Proposed Actions would include enhancement of the waterfront for public access and therefore coordinated testing related to use attainment and public health protection is supported by the City. Secondary contact recreation is not an element of the Proposed Action or zoning action.

**Comment 18-2:** This longstanding and ongoing abuse of the Gowanus Canal and its environment has led to serious and compounding health and safety impacts to our community, including 10,000 residents in public housing. (Stoller\_052)

**Response 18-2:** Comment noted.

**Comment 18-3:** We are now doing remediation for 12 years, eight years after Hurricane Sandy in Red Hook, on top of those sewers there are now five trucking warehouses in Red Hook that will be riding on top of that to align hat is very important to us that the drainage study and the EPA and everybody chimes in. What I thought was very unique today was that the developer spoke about how he has a relationship with EPA, on the other end the public is still looking for the 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. Because it's in a flood zone, because there are brownfield and other things that can harm humans, and it is the EPA's job to protect humans and life in the United States, so I beseech you to—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 from the Community has some kind of enforcement value where we and the rest of our organizations and residents can keep the momentum of things going from the government. (Blondell\_055)

**Response 18-3:** Comment noted. The City is actively engaged with the community around implementation of the Neighborhood Plan and various proposals for continued coordination post-adoption of the Proposed Actions.

**Comment 18-4:** 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. (GNCJ\_167)

**Response 18-4:** The DEIS considers the potential effects of the Proposed Actions as they relate to public health in Chapter 18, "Public Health" in accordance with the *CEQR Technical Manual*. A public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, hazardous materials, or noise. An assessment of indoor living conditions within public housing complexes is beyond the scope of this environmental review because the Proposed Actions would have no direct effect on indoor living conditions in public housing. DCP has coordinated with NYC Emergency Management through development of the Proposed Actions and the Gowanus Plan, and the agencies have engaged with various community groups and stakeholders to discuss equitable, community-driven emergency preparedness planning for Gowanus today and in the future.

**CHAPTER 19: NEIGHBORHOOD CHARACTER**

**Comment 19-1:** We ask 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. 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. (GNCJ\_167)

**Response 19-1:** The neighborhood character assessment provided in the DEIS follows *CEQR Technical Manual* guidance. As discussed in Chapter 19, “Neighborhood Character,” the mix of uses found in Gowanus is a defining feature of neighborhood character. The FEIS has been updated to address the significant presence residents of public housing provide to the primary and secondary study areas.

**CHAPTER 20: CONSTRUCTION**

**Comment 20-1:** 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. (GCC\_073, GNCJ\_167)

**Response 20-1:** Comment noted.

**Comment 20-2:** The task force should hold regular meetings where 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. 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. (GCC\_073, GNCJ\_167)

**Response 20-2:** Comment noted.

**Comment 20-3:** 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? (Amott\_069)

**Response 20-3:** Figure 20-1 in Chapter 20, “Construction,” of the FEIS presents the conceptual construction sequencing for all the projected development sites under the Proposed Actions. In the conceptual construction schedule, construction activities are assumed to begin in the first quarter of 2021 and continue over a 14-year period through 2035.

## CHAPTER 21: MITIGATION

**Comment 21-1:** 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. The projects below must be acknowledged as funding that 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 within the Gowanus Canal combined sewer service area by 2030. To date, DEP has reached the 70% target for this goal and additional ROW green infrastructure practices and public property retrofits are owed to the watershed through the Green Infrastructure Program. (GCC\_073, GNCJ\_167)

**Response 21-1:** DEP continues to implement the NYC Green Infrastructure Program, with a focus on combined sewer priority waterbodies, such as Gowanus. In construction, constructed and forthcoming green infrastructure

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projects are identified in the NYC Green Infrastructure Annual Reports, available on DEP's website: <https://www1.nyc.gov/site/dep/water/green-infrastructure.page>. Additional green infrastructure accomplishments in the Gowanus watershed will be achieved through the Unified Stormwater Rule. DEP has also recently launched a \$53 million contract to retrofit large impervious private properties with green infrastructure. This program complements the Green Infrastructure Grant Program, which funds the design and construction of green roof retrofits on private property.

**Comment 21-2:** 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. (GCC\_073)

**Response 21-2:** Comment noted. The City is actively engaged with the community around implementation of the Neighborhood Plan and various proposals for continued coordination post-adoption of the land use actions.

### *COMMUNITY FACILITIES*

#### *Early Childhood Programs*

**Comment 21-3:** 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. (CB6\_001)

**Response 21-3:** As stated in Chapter 21, "Mitigation" of the DEIS, mitigation for the significant adverse impact to early childhood programming is to be developed in consultation with DOE. These mitigation measures, if any are feasible or practicable, would be identified in the FEIS.

### *OPEN SPACE*

**Comment 21-4:** Schoolyards throughout the neighborhood should be converted to publicly accessible playground to provide much-needed active space. (Gruberg\_042)

**Response 21-4:** DCP, in consultation with NYC Parks and DOE, have identified the conversion of the P.S. 32 schoolyard to a playground as partial mitigation for the significant adverse open space impact associated with active open space. The playground would provide approximately 22,000 sf of active open space. The mitigation measure is described in more detail in Chapter 21, “Mitigation,” of the FEIS.

**Comment 21-5:** 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 in existing open spaces. We would really like to stress that the City must commit to the points of agreement to creating and supporting more open space in the immediate neighborhood, as well as investing in existing open spaces and that’s the challenge to creatively allow for areas of schoolyards to be used by the community (Diaz Gonzalez\_033, Parker\_050)

This should include capital commitments and a timeline for planned parks, the head of Canal and Public Place, including commitments for boat access. Additional commitments to build new open space on up to six acres of available City-owned land throughout the Salt Lot, the transit plaza under the tracks, and Green Space on 4th, renovations and improvements to ensure that existing parks and open spaces can support a growing population, including Thomas Greene Park, Old Stone House, public housing campuses, and a critical bathroom in St. Mary’s Park. Commitments to converting three acres of schoolyards into playgrounds, in order to provide that deeply needed active open space. (Parker\_050)

**Response 21-5:** See the response to Comment 21-4. Partial mitigation for the open space impact will be the conversion of the schoolyard at P.S. 32 to a playground. The remaining measures have not been identified as mitigation; however, the Proposed Actions would not preclude the City from implementing the other measures in the comment in the future.

**Comment 21-6:** We would really like to stress that the City must commit to the points of agreement to creating and supporting more open space in the immediate neighborhood, as well as investing in existing open spaces and that’s the challenge to creatively allow for areas of schoolyards to be used by the community, but fundamentally create a permanent funding stream for the maintenance and the programming of this open space that we will have in the neighborhood in the future. (Diaz Gonzalez\_033)

**Response 21-6:** Comment noted. See the response to Comment 21-4. The City supports a community driven exploration of a BID-type structure for Gowanus, which could potentially support area-wide open spaces.

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**Comment 21-7:** 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. These commitments will eliminate adverse impacts to the total and active open space ratio GCC proposes the creation of approximately 10 acres of open space (4.3 acres of passive and 5.8 acres of active) within the residential and non-residential study areas at the Salt Lot, Green Space on 4th Extension, Fran Brady / Under the Tracks Park, Smith/9th Transit Plaza, Pumphouse Plaza, Gowanus Underpass and through the creation of Public Boat Launches and the allowance of 7 Schoolyards to Playgrounds during non-school hours. (GCC\_073)

**Response 21-7:** See the responses to Comments 21-4 and 21-5. The DEIS disclosed a significant adverse open space impact and proposed a range of mitigation measures. As described in Chapter 21, "Mitigation," of the FEIS, the City has identified partial mitigation to address the impact associated with active open space.

**Comment 21-8:** [The City must] fundamentally create a permanent funding stream for the maintenance and the programming of this open space that we will have in the neighborhood in the future. (Diaz Gonzalez\_033)

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. (GCC\_073)

The DEIS counts 1.6 acres at the Head of Canal Park 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. 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. (GCC\_073)

**Response 21-8:** Comment noted. The City supports a community driven exploration of a BID type structure for Gowanus, which could potentially support area-wide open spaces. As described in the EIS, new and planned open spaces such as at Gowanus Green or the Head End CSO Facility along with remediation and reconstruction of Thomas Greene Playground are anticipated to be completed within the EIS's 2035 build year. Exact timelines cannot be provided since project timelines are dependent on many variables and determinants that are outside the purview of Proposed Actions. The assumption of 1.6 acres of primarily passive open space at the Head End site remains the same in the FEIS.

**Comment 21-9:** The DEIS counts 1.6 acres at the Head of Canal Park in the Open Space analysis. The City must increase the amount of active space in the existing site design for the Head of Canal Park. 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. (GCC\_073)

**Response 21-9:** See the response to Comment 21-8. Preliminary plans for the Head End open space call for a primarily passive open space. The assumption of 1.6 acres of primarily passive open space at the Head End site are provided in this FEIS.

The City has committed to the public space at the head end tank being completed once the Head End CSO Facility construction is completed.

**Comment 21-10:** With respect to Gowanus Green, the City and developer must commit to firm capital and maintenance funding with construction timelines for Gowanus Green Park, and it must increase the planned percentage of active open space in the park from 36% to 50% to serve the growing community. (GCC\_073)

**Response 21-10:** The design and programming of the proposed park will occur in the future and under NYC Parks direction. The community will be able to discuss and advocate for active or passive space, amenities and programming. The assumptions in the DEIS are for impact analysis purposes.

**Comment 21-11:** The City must commit to making seven schoolyards accessible to the public after school hours through the Schoolyards to Playground program, providing 3.18 acres of active public space at the following schools: PS 124, PS 118, PS 133, PS 272, PS 32, PS 58, and the School for International Studies. (GCC\_073)

**Response 21-11:** See the response to Comment 21-4. The City has determined that the only feasible schoolyard-to-playground conversion is at P.S. 32.

**Comment 21-12:** 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. The City must work closely

## **Gowanus Neighborhood Rezoning and Related Actions**

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with National Grid to identify a location for a temporary park and pool during remediation of the park and must commit to funding for comprehensive renovation after the remediation is complete in order to augment what National Grid is required to provide. (GCC\_073)

**Response 21-12:** Comment noted; see also the response to Comment 21-17.

**Comment 21-13:** 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. 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. (GCC\_073)

**Response 21-13:** Comment noted.

**Comment 21-14:** 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. The City must commit to capital funding for the Old Stone House Annex at Washington Park. (GCC\_073)

**Response 21-14:** Comment noted.

**Comment 21-15:** 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. 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. (GCC\_073)

**Response 21-15:** Comment noted.

**Comment 21-16:** 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, maintenance funding for new parks is not a given. 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. (GCC\_073)

**Response 21-16:** Comment noted. The City supports a community driven exploration of a BID-type structure for Gowanus, which could potentially support area-wide open spaces.

*SHADOWS*

**Comment 21-17:** The City must mitigate the adverse shadow impact to Thomas Greene Playground 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. (CB6\_001)

**Response 21-17:** DCP has proposed an alternative in this FEIS that addresses this shadow impact through bulk modifications to the zoning proposed for area around Thomas Greene Playground. As described in more detail in this FEIS, this would modify tower requirements and lower building heights, such that the extent and duration of incremental shadow on the D&D Pool in Thomas Greene Playground would be reduced substantially (see also Chapter 21, “Mitigation”). The redevelopment of Thomas Greene Playground is required as part of the Superfund remedy and the City supports the required remediation of Thomas Greene Playground and its reconstruction.

**Comment 21-18:** The City must 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.<sup>13</sup> 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.

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<sup>13</sup> 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 Neighborhood Rezoning and Related Actions**

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New open space must be mapped as dedicated park land, to ensure it will remain an open space amenity. (CB6\_001)

**Response 21-18:** Chapter 21, “Mitigation,” of the FEIS will identify any mitigation measures selected by DCP to address the significant adverse open space impact.

**Comment 21-19:** 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. 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.” The City should model modified massing on 549 Sackett Street, 270 Nevins Street, and 495 Sackett Street to identify ways to reduce shadows on Thomas Greene Park. (GCC\_073)

**Response 21-19:** See the response to Comment 21-17. Chapter 23, “Unavoidable Adverse Impacts,” of the DEIS summarizes the potential for unavoidable significant adverse impacts should mitigation be determined infeasible. As discussed in that chapter, the shadow impact to Thomas Greene Playground is attributed to development on Projected Development Site 18 (495 Sackett Street) and Potential Development Site W (270 Nevins Street). Development on Projected Development Site 20 (549 Sackett Street) was not identified as contributing to that shadow impact. Subsequent modeling of tower heights showed that changing the tower location and reducing tower heights at Potential Development Site W would substantially reduce the extent and duration of incremental shadow on the park. While changes to the massing of Projected Development Site 18 could reduce the duration and extent of shadow, the reductions would be minimal, and therefore it was determined to not be a practical measure.

### *TRANSPORTATION*

**Comment 21-20:** 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. (CB6\_001)

**Response 21-20:** The subway line haul analysis and recommended mitigation in the DEIS were reviewed by MTA-New York City Transit. The analysis reflects a

baseline average of 12.6 northbound F trains per hour in the AM based on pre-pandemic (2018) schedule data provided by MTA-NYCT.

## GENERAL SUPPORT

**Comment G-1:** The Fifth Avenue Committee supports Gowanus Green and the overall rezoning as it helps to affirmatively further fair housing. (Lee\_008)

I speak in favor of the promise of the affordable housing and the reduction of two percent of our current sewage overflow events. While I believe only half of that number will really be less affordable than current market prices of Gowanus, even 1,500 truly affordable units is an amazing vision to be constructed in the next few years. However, I ask that CPC consider improving, not removing, access to and from our soon-to-be-clean Gowanus Canal. At the recent Huntington Street rezoning, several commissioners assured over a dozen speakers at that hearing that request by the community, the Borough President, and the speakers would be considered. A few weeks later this commission voted to approve barriers denying use by up to 3,000 Red Hook residents, most of whom are lower income. Approximately thirteen years ago, CPC approved access to Second Street included in 365 Bond Street, but that launch site mostly serves affluent white members of Carroll Gardens, Cobble Hill, and Park Slope. (Foote\_023)

I write 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. (Thornton\_134)

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. (450 Union LLC\_152, Gowanus Forward\_153)

I support the Gowanus Neighborhood Rezoning that has resulted from an unprecedented community engagement process championed by Councilmembers Brad Lander and Stephen Levin. 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. 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. (Anderson\_079, Baye\_146, Benitez-Ridley\_090, Capozzi\_147, Carey\_097, DeAngelis\_098, Fraser\_095, Gagliardi\_099, Gathers\_148, Gebhart\_085, Goldstein\_100, Hew\_086, Jackson\_091, Jairam\_108, Jones\_080, Knafo\_087, Kwan\_081, Labita\_088, Lucena\_089,

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Mays\_109, Middleton\_101, Mogyorosi\_149, Morrison\_102, Muhammad\_103, Perez-Flores\_104, Reese\_105, Rivera\_092, Rodriguez\_093, Rosenberg\_082, Sagar\_094, Simpson\_110, Tusa\_106, Valeri\_107, Villeneuve\_111, Warren\_083, Weiss\_150, White\_084, Wormly-Herndon\_096)

I support the Gowanus Rezoning that will create 8,500 new homes and 3,000 Rent-Stabilized Homes. 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. I know that the land which will be rezoned is safe for habitation. (Franchino\_122)

The Real Estate Board of New York supports the approval of the zoning map change and text amendment known as the Gowanus Neighborhood Plan. (Gerhards\_145)

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. (Kaplan\_123)

I 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. (Roland\_112)

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. 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. (Samboy\_127)

There are many well-thought-out elements of the neighborhood plan that the Municipal Art Society of New York supports: an ambitious Waterfront Access Plan, the Gowanus MIX, a new public elementary school, and 100 percent affordable housing on a City-owned site. (Devaney\_163)

**Response G-1:** Comments noted.

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