

GNCJ Comments on the Draft Scope of Work for the Proposed Gowanus Neighborhood Rezoning

Introduction

The Gowanus Neighborhood Coalition for Justice is a racially and socioeconomically diverse coalition made up of groups focused on equity, inclusion, economic and environmental sustainability and justice. Our members include public housing residents, seniors, industrial business advocates, local community-based organizations, faith-based groups, and environmental advocates (see Appendix A for a list of members).

In March 2017, GNCJ announced our coalition's detailed principles platform (Appendix B) and released [Survive and Thrive: Towards a Justice-Focused Gowanus Neighborhood Plan](#), a report that sought to elevate the voices of our community that have not yet been heard in the City's planning process, and makes the case for a community plan based on principles of social, economic, environmental and racial justice.

We believe a just neighborhood rezoning must incorporate the following principles:

1. Advance Racial & Economic Justice
2. Respect, Protect & Connect Public Housing & its Residents
3. Create Affordable Housing & Protect Tenants From Displacement
4. Promote Environmental Justice
5. Recognize & Celebrate the Culture & Community of Longtime Residents
6. Protect Local Businesses & Industry Where We Shop & Work

Since our launch, GNCJ has participated in the Department of City Planning's (DCP) "community engagement" process including the very time intensive working groups that occurred in the Spring of 2017 and subsequent community meetings since then. Despite our engagement and participation in the planning process, we have failed to see most of our priorities included in DCP's framework and draft scope of work. The City actively excludes NYCHA and its residents by refusing to connect the preservation strategies in NYCHA 2.0 to this neighborhood rezoning. Specifically, the following land use and zoning demands must be incorporated into the final scope of work to **begin** to adequately address our community's most pressing needs:

- 1. The City must ensure that public housing residents benefit from the rezoning. It must address the capital funding gap** in the three local New York City Housing Authority (NYCHA) developments: Gowanus Houses, Wyckoff Gardens and Warren Street Houses as well as create increased opportunity for public housing residents. To be clear, the City must address the capital funding gap that will exist locally in Gowanus for NYCHA developments even after planned but not yet implemented infill at Wyckoff Gardens and PACT/RAD conversion at Warren Street Houses.

To advance this goal, the Scope of Work should study and analyze the social and environmental impact of public value recovery tools. These could include:

- a. **Transfer of development rights (TDR)** program that would allow NYCHA to sell off-campus air rights from the three Gowanus public housing developments to private developers to create a revenue stream for local NYCHA campuses.
- b. **Deep affordability** Mandatory Inclusionary Housing options that would create housing at income levels that the majority of public housing residents can afford.
- c. **Additional opportunities** created by expanding the study area to include the aforementioned public housing developments.

Improving NYCHA housing fundamentally aligns with the Mayor’s goal to preserve 180,000 units of affordable housing citywide by 2026. **NYCHA residents make up 33% of renters in Gowanus and are longtime members of the community. Many live in substandard housing conditions that can, and should be addressed as part of this rezoning.**

2. **The City must strengthen the “Gowanus Mix” proposal by requiring industrial / art space instead of making it “optional” and must ensure enforcement through community oversight in the form of a nonprofit, mission-driven steward.**

The Gowanus Mix falls short of preserving the unique character and mix of uses in the neighborhood. Namely, it fails to truly provide mandatory mixed-use to ensure quality job generating uses such as light industry, manufacturing, and ensure that maker/artist spaces can stay in Gowanus. The current rezoning proposal will result in significant loss of industry/manufacturing uses - approximately 579,000 sf of space according to the DSOW. This will result in a loss of good-paying jobs for workers without formal education, as the retail and other commercial uses that will replace manufacturing do not offer the same economic mobility opportunities for workers in that sector. The City must strengthen the “Gowanus Mix” by making it mandatory throughout the entire Gowanus Special District, including anywhere it is currently being proposed, all the Mx districts and the “preserved” M1-4 zoning districts.

3. **The City must study the impacts of the neighborhood rezoning on the adjacent Industrial Business Zone (IBZ)**

As the industrial areas outside the IBZ change to explicitly allow a wider range of uses, industries operating within the IBZ are bound to be impacted, especially through increasing land values and speculative real estate pressure. Many high-demand industrial sectors that are intimately tied to and serve the local economy, are prevalent in Gowanus.

Through a public process, IBZs were established by the Industrial Business Zone Boundary Commission “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”.

GNCJ along with many neighborhood and city-wide advocates during this engagement process and the preceding Bridging Gowanus process have repeatedly called for implementation of use restrictions in the IBZ before any rezoning occurs. To fully inform the City's current Gowanus IBZ Vision Process and future plan, and to adhere to current citywide industrial policies, the EIS must study the impacts of this rezoning on the IBZ, including but not restricted to: direct or indirect business displacement due to cost of business and operational impacts; effects on industry including on mobility; water and sewer infrastructure; and neighborhood character.

4. The City must expand the proposed Gowanus Special Mixed-Use District to an Environmental Special District that addresses the unique environmental conditions in Gowanus.

Gowanus is home to New York City's first U.S. Environmental Protection Agency (EPA) Superfund site, the Gowanus Canal, three former Manufactured Gas Plant (MGP) sites, as well as a number of other brownfield sites. Located in a former salt marsh, neighborhood residents and businesses are plagued by regular flooding and combined sewage overflow, higher rates of urban heat island effect due to a number of factors including a lack of urban tree canopy and open space. The City of New York has a unique opportunity to establish New York City's first 'Eco-District' or Environmental Special District¹, to advance climate adaptation and mitigation measures and equity as highlighted in OneNYC: The Plan for a Strong and Just City. See Appendix C for Environmental Special District Demands. Components of the Environmental Special District must include goals that result in:

- Interagency coordination to ensure that the numerous neighborhood remediation and construction projects, in a relatively small area with limited east-west travel routes due to the Canal and a high concentration of vulnerable residents, manage and minimize impact on both the residential and business community.
- Development and implementation of an Equitable, Community-Driven Emergency Preparedness Plan for Gowanus
- Investment in health and social resilience through the development of community health and racial equity assessments and implementation of recommendations associated with those assessments.
- No net increase in combined sewage overflow resulting from additional development.
- Investment and policies to promote an equitable and vibrant public realm, including esplanades, parks and streetscapes.
- No net increase in carbon intensity and electricity demand.

While we understand that the draft scope of work is a document that specifically outlines proposed zoning and land use changes, the lived experiences of our community require that we address neighborhood priorities and issues holistically in this planning process.

¹ Gowanus Neighborhood Coalition for Justice: Eco-District Demands https://gowanuscanalconservancy.org/wp-content/uploads/2017/11/GNCJ-EcoDistrict-Demand-Grid_190508-1.pdf

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Task 1 - Project Description

Background

Gowanus' historical legacy as an industrial and manufacturing hub, surrounding a working canal, continues to shape the character of the neighborhood. Today it is also home to incubators, offices, small commercial businesses, an artist enclave, and is a growing nightlife and indoor recreation destination. The neighborhood is also home to a vibrant residential community dominated by three New York City Housing Authority (NYCHA) public housing campuses north and west of the canal, and residents living in rent-stabilized housing concentrated between Union and Carroll Streets, between Nevins Street and 4th Avenue. The Canal and the particular mix of uses in the neighborhood is what makes Gowanus distinct from the surrounding residential neighborhoods, yet this delicate balance is under siege.

In the last two decades, Gowanus has undergone rapid transformation, the result of both private and public actions. The community has also been subject to decades of environmental abuse and neglect; the Gowanus Canal is Brooklyn's first Environmental Protection Agency (EPA) Superfund site, and sewage back-ups and toxic flooding frequently make their way into the neighborhood. At the same time, loopholes in allowable uses in manufacturing zones have allowed incompatible or conflicting uses, such as hotels and nightclubs, to proliferate. **Through its actions and inactions, the City has had a major impact on the area and has accelerated the displacement of existing low- and moderate-income residents and industrial businesses.** Although residents of Gowanus welcome the long-overdue infrastructure investments and environmental clean-up of the area, these changes also unlock additional land value, creating stronger displacement pressures. An aggressive real estate market threatens to displace longtime residents and businesses alike **while further segregating the predominately low- and moderate-income NYCHA residents from their neighbors.**

Address the Needs of Public Housing Residents

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 process. 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. This neighborhood rezoning is one of many that seeks to address the affordable housing crisis and fulfill the Mayor's promise to build and preserve 300,000 units of affordable housing. **And yet, the Mayor's plan actively leaves out public housing, the most affordable housing in the city.**

DCP and NYCHA have not worked together in this neighborhood planning process. Despite three years of "community engagement", NYCHA and DCP have not worked together to provide a collective and transparent picture of the *local* housing conditions that our public housing residents face -- these include toxic mold, lead, vermin infestation, and sewage back-ups., heat and hot water and even water outages and elevator breakdowns.

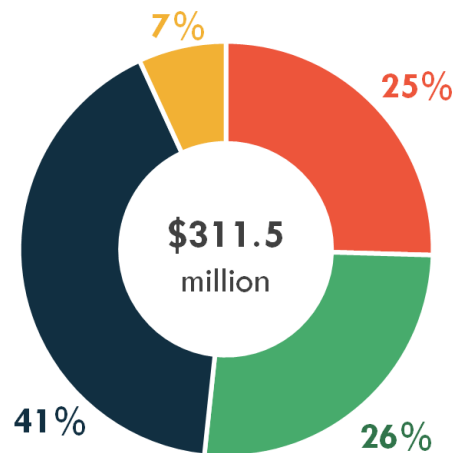
Close the Capital Funding Gap for Local NYCHA Communities

In September 2018, NYCHA was invited to GNCJ's coalition meeting where, at our request, NYCHA provided members with information on capital funds allocated for each development. **We used this information and compared it against the 5-year NYCHA Physical Needs Assessment (2017) and found 76% of capital funds, or \$237 million remains unfunded.**

The City has proposed infill at Wyckoff Gardens and RAD conversion at Warren Street Houses be used to fill much of this gap, but a) there is a lot of uncertainty about the Wyckoff infill which has to go through its own ULURP and many residents oppose it, b) even if both of those projects go through, it won't be enough to close the gap and c) there is no proposal to address the unfunded need at Gowanus Houses, which currently has the largest dollar amount unfunded.

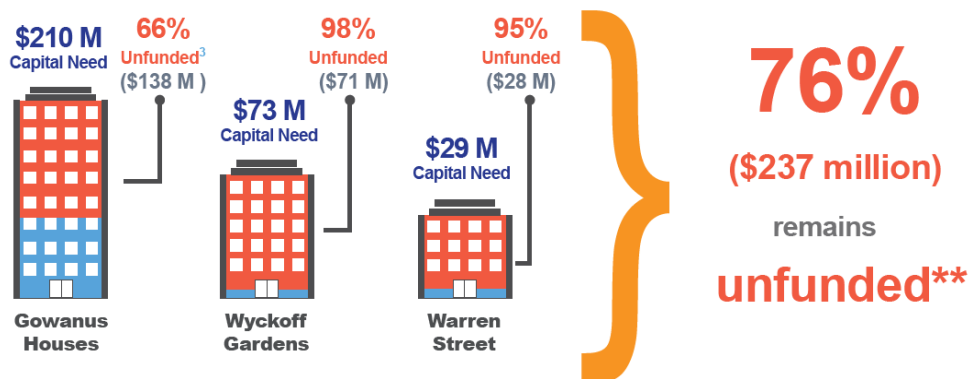
5YR CAPITAL NEEDS: GOWANUS DEVELOPMENTS

Apartments	\$129M
Kitchens, Bathrooms, Floors, Doors	
Systems	\$82M
Boilers, Elevators	
Structure/Architectural	\$79M
Roofs, Facades, Common Areas	
Site/Grounds	\$21M
Roofs, Facades, Common Areas	



Source: New York City Housing Authority, 2017 Physical Needs Assessment

CAPITAL FUNDING GAP



Source: New York City Housing Authority, 2017 Physical Needs Assessment

Our public housing residents deserve respect, transparency, and accountability. BEFORE ULURP BEGINS:

We demand that the City:

1. **Require NYCHA to actively come to the table in this rezoning process, to provide accurate data on the state of the local housing developments** with respect to the following:
 - Ongoing update on physical needs assessment and anticipated funding
 - indoor health issues,
 - status of mold, lead, and asbestos abatement and progress for local developments
 - Water quality issues and mitigation plans
 - Any studies that have already been conducted internally whose results have not been made public to residents

2. **Require DCP to address the NYCHA capital need through this neighborhood rezoning.**

3. **Set aside upfront capital funds towards NYCHA developments** and create a transparent, accountable system that includes public housing residents to ensure that NYCHA will use these funds toward local capital needs. These funds and the local system for oversight should be included in the NYC Rezoning Commitments Tracker that is overseen by the Mayor's Office of Operations and subject to additional NYC Council oversight.

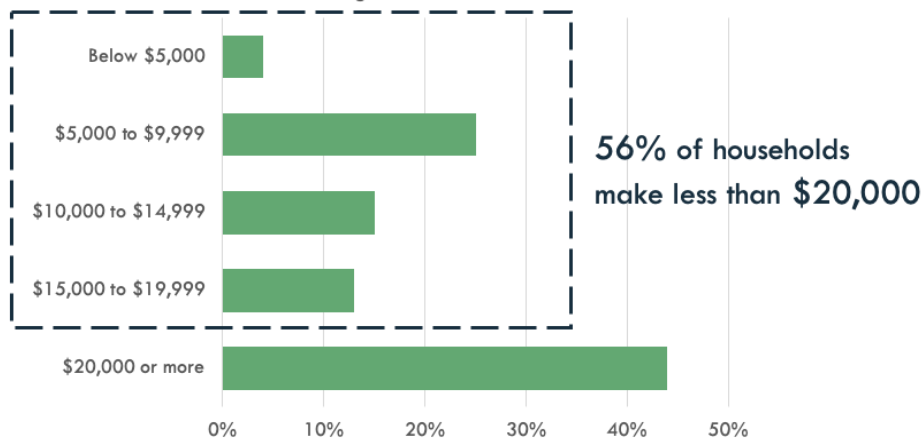
4. **Study and analyze the feasibility and social and environmental impact of using public value recovery tools** to recapture the increase in property values that will occur due to public actions and use those funds for funding for NYCHA 's capital needs. In particular, we demand that the City study the feasibility and impact of leveraging the **transfer of NYCHA's development rights to private developers i as part of the Gowanus rezoning in our community.** The City has already proposed selling NYCHA's air rights to generate revenue for NYCHA campuses across the city - one of three key strategies outlined in the NYCHA 2.0 plan - but has thus far ignored examining the opportunity in the Gowanus context. If the City upzones our community, granting developers valuable building rights via the neighborhood rezoning *before* fully exploring the full potential of TDRs, the opportunity to recover this value to meet the local public housing's unmet needs and affirmatively further fair housing will have been lost. We demand that DCP, in partnership with NYCHA, explore the feasibility of requiring developers to purchase some of the increased development rights envisioned in the City's current land use framework from NYCHA, rather than allowing developers to receive them as-of-right in this rezoning.

Create New Housing that Meets Public Housing & Other Low-Income Residents' Needs

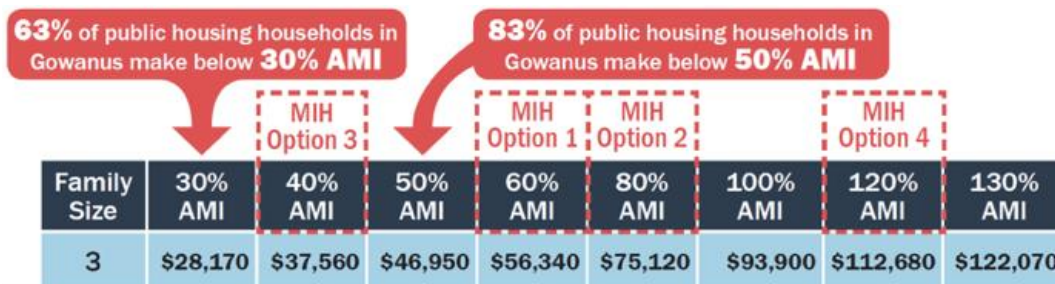
Mandatory Inclusionary Housing (MIH) will not benefit the overwhelming majority of local public housing residents living in Gowanus Houses, Wyckoff Gardens, and Warren Street. The lowest-income guaranteed affordable units Mandatory Inclusionary Housing can allow is at 40% AMI, an income threshold for which 63% of households currently living in the local public housing developments cannot meet.² Options 1 and 2 of the MIH program mainly serve families at 60% or 80% AMI - annual incomes of up to \$75,120 for a family of three. Although MIH Option 3 (“Deep Affordability Option”) requires 20% of the rent-restricted units be made affordable to households making 40% AMI, developers cannot be required to select this option as it must be mapped in conjunction with Option 1 or Option 2. This means that the vast majority of apartments created with MIH would be out of reach for a majority of NYCHA families, limiting their opportunities to move out of public housing yet remain in Gowanus.

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 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 area median income (AMI).

Income of Public Housing Residents in Gowanus



Source: U.S. Department of Housing and Urban Development's Open Data, Public Housing Buildings



Source: U.S. Department of Housing and Urban Development's Open Data, Public Housing Buildings; NYC Housing and Preservation Department

² U.S. Department of Housing and Urban Development's Open Data, Public Housing Buildings; NYC Housing and Preservation Department

BEFORE ULURP BEGINS WE DEMAND THAT THE CITY:

1. **Apply a Deeper Affordability Requirement than the existing MIH:** In Gowanus, the residential market is so strong that the proposed market-rate units can **support affordability levels deeper than what MIH currently outlines,**³ making it perhaps the first of the PLACES rezonings with the opportunity to create additional affordability on private sites without public subsidy. Our housing crisis dictates this opportunity should not be missed. Developments should be required to **go beyond MIH** by providing 25% permanently affordable housing at an average of 50% of AMI with 10% at 30% of AMI.
2. **Commit to mapping ONLY the deepest affordability Mandatory Inclusionary Housing (MIH) of the existing program options:** to allow for a greater number of low-income residents and the local public housing community to be able to afford the new affordable housing. Apply only the following options:
 - Option 1 - 25% of units at 60% of AMI
 - Option 3 (Deep Affordability) - 20% of units at 40% of AMI
3. **Commit to preferences for our most vulnerable community members and those who face barriers in finding affordable housing:** a) create an affordable housing lottery preference for NYCHA residents in Community Board 6; b) increase the percentage of units for which people with disabilities receive a preference; and c) ensure that a significant number of affordable units for seniors are created.
4. **Allocate a significant number of Section 8 vouchers locally so NYCHA residents in the three Gowanus developments** can move to newly created affordable housing developed in this rezoning.
5. **Require 100% affordability on publicly-owned land subject to this rezoning and provide the necessary subsidies to provide permanently and deeply affordable units for very low-income residents,** including seniors and those households whose annual income is between zero percent of AMI to 60% of AMI.

Gowanus Mixed-Use District (GSD) fails to protect Industrial Businesses

The industrial and manufacturing sector in Gowanus is a crucial component of the neighborhood's economic vitality and its character. The neighborhood rezoning is adjacent to an industrial business zone (IBZ) and outside the IBZ but within the area that is being considered for rezoning there are significant areas that are zoned for manufacturing.

³ Analysis prepared by David Rosen and Associates (DRA)

Neither the IBZ nor the manufacturing areas outside the IBZ have protections that ensure that manufacturing uses and quality employment will predominate in the area. One of the major goals that the community coalesced around through Bridging Gowanus is to institute stronger protections for industrial and manufacturing businesses within the IBZ as a precursor to changing zoning designations in the surrounding area. After these protections have been secured, Bridging Gowanus calls on the City to create and **employ real mechanisms in the areas outside the IBZ for achieving a balance of manufacturing with new uses such as housing or commercial uses.** Protecting industries that provide quality-paying jobs, especially for people with modest educational attainment or other barriers to employment, should be a priority for the City if it seeks to truly create an equitable city with housing that is affordable for its people; solving the housing affordability crisis also requires planning for the creation and preservation of quality-paying jobs that are more accessible to residents with barriers to employment.

Under the current draft scope of work, the rezoning will allow developers to build along the canal at 4.4 FAR residential as-of-right with the option to build out an additional .6 FAR for non-residential use. Of the .6 FAR set aside for nonresidential use, .3 FAR will go to commercial uses and .3 will go to a “Gowanus Mix” of “light industry, arts-related, cultural, civic, and repair and production service uses.” DCP is proposing a similar mechanism around Thomas Greene Park and other select locations, with 5.6 FAR residential as-of-right with the option to build out an additional .4 FAR for non-residential use. Of the .4 FAR set aside for nonresidential use, .2 FAR will go to commercial uses and .2 will go to the “Gowanus Mix.” DCP has not included in the scope what will be allowed in the “Gowanus Mix” but it is worth noting that if commercial or other non-industrial/manufacturing uses are allowed, profitability of commercial over industrial means that these set aside spaces will skew towards commercial only. Additionally, even with proper use restrictions, DCP’s current proposal does not include any enforcement mechanisms to ensure these spaces are preserved for industrial and manufacturing uses. The incentive model is insufficient and the proposed special district as it stands now will not protect existing industrial businesses nor does it truly incentivize industrial and arts spaces. Additionally, the rezoning of industrial lots to residential is not likely to lead to affordable housing being built, given the lot size of some parcels. Without proper policy protections, changing the zoning in Gowanus’ industrial areas for housing will accelerate the loss of industrial businesses and well-paying jobs nor produce any affordable housing.

- 1. Make the .4 to .6 FAR of non-residential use in the GSD MANDATORY along the Canal (M1-4/R7-2 designations) and around Thomas Greene Park and other select locations (M1-4/R7X).** The Draft Scope states that “Incentives would be applied to districts that are primarily proposed along the Canal and around Thomas Greene Playground to promote mixed-use residential buildings which 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, civic uses; and repair and production services.” But an incentive is not enough; these requirements must be made mandatory anywhere they are being proposed. In addition, the Draft Scope of Work must include specific detail on the FAR requirements of this proposal. The

Scope currently does not include the level of detail that was presented in the Draft Zoning Proposals of Jan. 30, 2019.

2. **Include a REQUIRED “Gowanus Mix” throughout the Gowanus Special District - including M1-4 zoning districts and all Mx districts - to ensure that M zoned land continues to provide space for industrial and manufacturing uses.** Maintaining M zoning designations is not enough on its own to ensure industrial and manufacturing business remain in Gowanus; there must be a required FAR set aside for industrial uses in all M zones to guarantee a true mixed-use neighborhood.
3. **Limit the uses within the “Gowanus Mix” set aside for job generating uses including light industry, repair and production services uses** to truly promote the unique mix that is found in Gowanus today.
4. **DCP must provide an enforcement mechanism to ensure the .2 to .3 FAR set aside for industrial use remains by creating non-profit stewardship.** The need for preservation of industrial and art spaces through a nonprofit stewardship model was an important community priority during the Bridging Gowanus community engagement process. Without a mechanism to ensure enforcement, developers are likely to use this set aside for non-industrial/manufacturing or non-arts uses. We recommend the following to ensure proper enforcement:
 - a. **Train and “deputize” the Industrial Service Providers (ISPs) to inspect for use violations**
 - b. **Assign inspectors to the proposed GSD and have ISPs act as the “eyes and ears” for the inspectors, including allowing direct communications to the inspectors as opposed to going through 311 operators.** An advantage of this would be leveraging the ISPs knowledge and judgement about “what is manufacturing,” and/or what is illegal.
 - c. **Periodically audit mixed-use buildings** either by inspectors or by ISPs (who, if in this role, should be funded to do this work). There is precedent for this model; when the City first created the Special Garment Center District, it did cyclical inspections by teams from DOB and FDNY.
 - d. **Require developers to post a leasing plan for the industrial space**, including how they will recruit tenants and how they will help tenants build relationships with local resident employment organizations. This is done in San Francisco.
 - e. **Require developers to partner with the ISPs** to either own, sublease, manage or participate in tenant recruitment of the industrial space.⁴

⁴ Recommendations (d) and (e) are based on strategies already in place in San Francisco. See [Creating An Innovative Mix: What We Can Learn From San Francisco](#) (2016)

Environmental Special District

The City should expand the Gowanus Special Mixed-Use District to include the community's goals for environmental justice, sustainability and resiliency.

WATER

Create a clean, vibrant Gowanus Canal by mandating a **net zero increase in CSO**.

OUTDOOR ENVIRONMENT

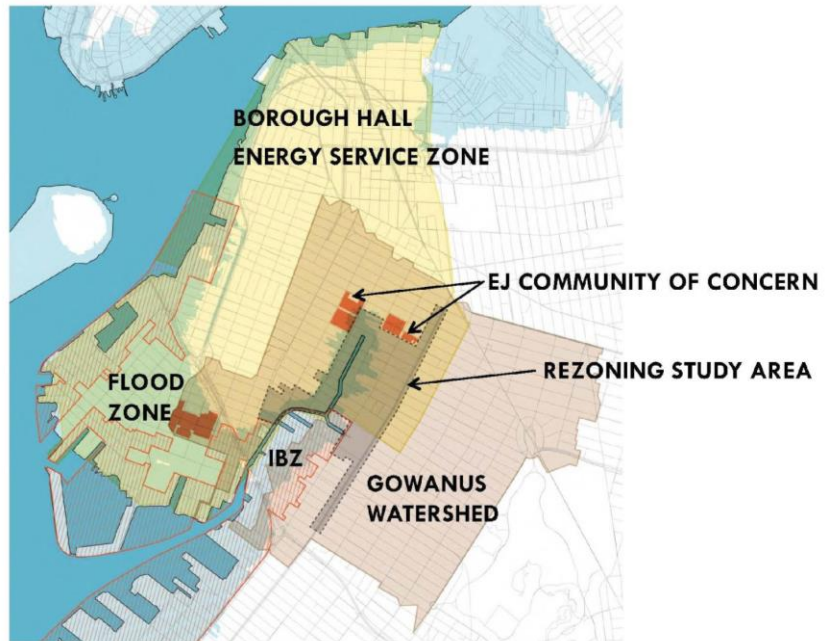
Create a **comfortable and resilient public realm** that is pedestrian friendly and accessible to all residents

ENERGY

Create sustainable and resilient energy infrastructure for a **net zero increase in electricity demand**.

HEALTH + SOCIAL RESILIENCE

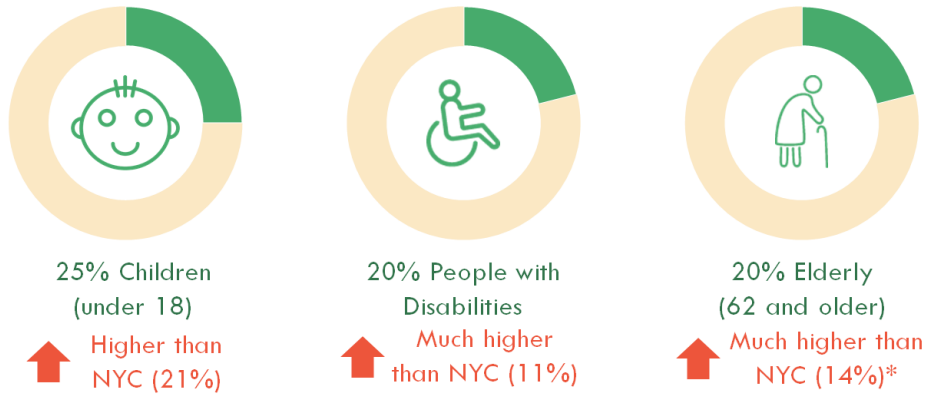
Improve **living conditions, resilience and health outcomes** of vulnerable populations



Given the unique and concentrated environmental burdens in Gowanus, including the Gowanus Superfund, upland brownfields, flooding and combined sewage overflow, and heat island impacts, we want to see the proposed Gowanus Special District expanded into an Environmental Special District that would require a neighborhood scale approach to sustainability, resilience, climate adaptation and equity. In New York City, there are already important precedents that modify development requirements to protect and expand natural features, such as the Special Natural Areas Districts in Staten Island, the Bronx and Queens. The Gowanus study area has unique geological and hydrological conditions that should require a different type of development.

An Environmental Special District is a way to holistically approach planning, incorporating health, environmental justice, resilience and climate-action planning. DCP is missing a unique opportunity to address the needs of our community through a neighborhood-level approach that gives greater local oversight of environmental justice issues and mitigation. A granular picture is necessary to address the burdens on environmental justice communities living within our neighborhood, particularly people living in rent stabilized and public housing buildings. Residents in public housing are living in poor quality housing (lead, leaks, toxic mold, etc.) that contribute to poor health conditions such as asthma, communicable diseases, cardiovascular disease, etc. Additionally, public housing has a higher percentage of populations considered vulnerable to environmental burdens such as children, people with disabilities and seniors. An Environmental Special District that includes community governance would provide the necessary oversight to ensure policies and programs are benefiting the residents within our community who continue to feel the impacts of environmental injustice.

VULNERABLE POPULATIONS BY PERCENT PUBLIC HOUSING VS. CITY



Source: U.S. Department of Housing and Urban Development's Open Data, Public Housing Buildings

*Ages 65 and older

The currently proposed Gowanus Special District does include several provisions that contribute to an Environmental Special District, including the Waterfront Access Plan and parking modifications, but it does not effectively address many of the underlying environmental justice issues. We want to see an Environmental Special District that centers public health across all aspects of development and incorporates the following standards, programs, and policies:

1. HEALTH AND SOCIAL RESILIENCE: Provide critical improvements to indoor living conditions, social resilience, and health outcomes of vulnerable populations, particularly public housing residents.

a. Perform a combined survey for a Racial Equity Impact Assessment⁵ and a Community Health Needs Assessment and Fund the Implementation of its Recommendations to eliminate disparities.

A [Racial Equity Impact Assessment](#) (REIA) is a systematic examination of how different racial and ethnic groups will likely be affected by a proposed action or decision. REIAs are used to minimize unanticipated adverse consequences in a variety of contexts, including the analysis of proposed policies, institutional practices, programs, plans and budgetary decisions. The REIA can be a vital tool for preventing institutional racism and for identifying new options to remedy long-standing inequities. A [Community Health Needs Assessment](#) (CHNA) identifies what the biggest health needs are in the community and guides policymakers and community members on how to prioritize based on these health concerns. These assessments are crucial as part of a successful environmental special district that should seek to prioritize projects that emphasize health co-benefits and address environmental justice needs. Community Board 6's overall wealth masks the needs that exist within pockets of the community.

⁵ [Racial Equity Impact Assessment Toolkit](https://www.raceforward.org/practice/tools/racial-equity-impact-assessment-toolkit). Race Forward. Accessed May 20, 2019

b. Perform lead and mold abatement in public housing.

The City is going to invest millions of dollars into the neighborhood to further the Mayor's housing plan. Public housing, the greatest source of deeply affordable housing in the city, is in great need and preserving this housing will address the health needs of residents who are living in terrible conditions. NYCHA has admitted to fabricating records to make it seem as though they were complying with laws. Additionally, NYCHA continues to be behind schedule with respect to lead-paint abatement specifically without providing any information as to what the situation looks like in Gowanus. Children and families in our community are sick and it is our government's responsibility to address these grave inequities. We need to see the data released from the mold-busters pilot, indoor air quality and lead paint evaluations that NYCHA has done as well as educate residents on these abatements. This will help inform what the monitor is doing and what the appropriate mitigation is.

c. Fund and develop a Gowanus Emergency Preparedness plan that is rooted in principles of equity⁶ that seeks to address the pressing needs of our EJ community

As we move towards the 7 years since Superstorm Sandy hit NYC, NYCHA Recovery & Resiliency efforts still lack adequate local emergency response protocols for Gowanus 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.

As part of the creation of an Environmental Special District we demand that the City identify strategies and commit to funding a plan to create an *Equitable, Community-Driven Emergency Preparedness Plan for Gowanus*. At this time the community does not have the capacity to develop an emergency preparedness plan without funding, partners and agencies to support and actualize a *Gowanus Emergency Preparedness plan* and we demand that these commitments be assessed and administered via this neighborhood rezoning process.

2. WATER QUALITY: Mandate a net zero increase in Combined Sewer Overflow (CSOs).

- a. Require new development over 4 FAR to mitigate daily water consumption by at least 50% through on-site CSO best management practices including smart storage, black and greywater systems, or composting toilets.
- b. Require new development to include performance-based monitoring to allow impact tracking and ensure accountability for water storage assets exceeding a certain size.
- c. Require or provide incentives for new development to install site-appropriate right-of-way green infrastructure, including suspended pavement, wet swales and street end rain gardens, to manage a percentage of street stormwater along new frontages.

⁶ [Guide to Equitable, Community-driven Climate Preparedness Planning](https://www.usdn.org/uploads/cms/documents/usdn_guide_to_equitable_community-driven_climate_preparedness-high_res.pdf) (2017) Urban Sustainability Directors Network. [usdn.org/uploads/cms/documents/usdn_guide_to_equitable_community-driven_climate_preparedness-high_res.pdf](https://www.usdn.org/uploads/cms/documents/usdn_guide_to_equitable_community-driven_climate_preparedness-high_res.pdf)

- d. Fund and provide design and technical assistance for sewage and storm water management in new and existing buildings and landscapes.

3. OUTDOOR ENVIRONMENT: Create a comfortable and resilient public realm – including streets, parks & shore public walkways – that is pedestrian friendly and accessible to all residents, in alignment with the Gowanus Lowlands Master Plan and ULI’s January 2018 report, *A Vision for a Greener, Healthier and Cooler Gowanus: Strategies to Mitigate Urban Heat Island Effect*.

- a. Require all new development to achieve a minimum 20% vegetative cover by planting trees, installing green roofs, planters and/or adding vines to cover side walls of buildings as called out in the ULI report..
- b. Invest in the public realm improvements called out in the Gowanus Lowlands Master Plan, including parks, streets, streets ends, NYCHA campuses, MTA easements + other city owned parcels. Develop all plans with continued public input.
- c. Require installation of areas of respite, including benches, green infrastructure and shades, along streets adjacent to new buildings as called out in the ULI report.
- d. Provide greater local oversight of maintenance and programming to ensure public access to the waterfront.

4. ENERGY: No net increase in energy demand

- a. In new development with a FAR greater than M1(2) or R6B, require local energy production or savings equal to not less than 20% of projected building energy use.
- b. Require the installation of efficient fixtures, solar and/or battery storage on all publicly owned or financed projects

5. TRANSPARENCY AND ACCOUNTABILITY: To increase transparency and aid public oversight, DCP should make public all its mapping and GIS data related to the proposal. This includes shapefiles for the project and study areas, potential and projected sites, and other pertinent files. Making this data accessible will encourage more informed recommendations by the public.

Task 2 - Land Use, Zoning and Public Policy

As part of its analysis of Land Use, Zoning and Public Policy, the City is required to describe public policies applicable to the study area, and the extent of the Proposed Actions' consistency with such policies. In the Gowanus DSOW, the City has indicated that it will examine the following:

- Housing New York “to build and preserve affordable housing throughout New York City ... to foster a more equitable and livable New York City”
- Vision Zero
- The Food Retail Expansion to Support Health (FRESH) Program
- Applicable business improvement districts (BIDs)
- Applicable Industrial Business Zones (IBZs)
- OneNYC, the City’s sustainability plan

Although this list is a good start, there are several other key policies that the City must take into account when examining the impacts of the proposed rezoning.

Analyze Relationship to NYCHA 2.0 Strategies

The DSOW indicates that the City will analyze the relationship between the proposed rezoning and Housing New York, the guiding principles of which include both “building new affordable housing for all New Yorkers” and “preserving the affordability and quality of the existing stock.” The initial Housing New York Plan, released in 2014, also refers generally to the need to “ensure the long-term sustainability of NYCHA units”⁷ and to “reevaluate the approach to development on NYCHA property.”⁸

But the DSOW does *not* indicate that the City plans to analyze the relationship between the proposed rezoning and the NextGeneration NYCHA plan (released in 2015),⁹ or the more recent update of that plan, NYCHA 2.0.¹⁰ This is a MAJOR and UNACCEPTABLE oversight that must be corrected in the Final Scope of Work. Through NYCHA 2.0, the City has pledged to bring in \$24 billion for vital repairs to NYCHA properties, using three key strategies: infill development, the Rental Assistance Demonstration / Permanent Affordability Commitment Together (RAD/PACT) program, and sale of the development rights (also known as “air rights”) of NYCHA campuses. As of today, the City has confirmed plans to use two of these three strategies in our community, and we believe that Gowanus is a strong candidate for the third. First, NYCHA has already selected developers for infill development at Wyckoff Gardens, a project that will have a significant impact on both public housing residents and the surrounding community, creating more density at the expense of open space and/or

⁷ “Housing New York: A Five-Borough, Ten-Year Plan,” p. 50.

https://www1.nyc.gov/assets/housing/downloads/pdf/housing_plan.pdf

⁸ “Housing New York: A Five-Borough, Ten-Year Plan,” p. 65.

https://www1.nyc.gov/assets/housing/downloads/pdf/housing_plan.pdf

⁹ “NextGeneration NYCHA,” May 2015. <https://www1.nyc.gov/assets/nycha/downloads/pdf/nextgen-nycha-web.pdf>.

¹⁰ “Fixing NYCHA: Mayor de Blasio Announces Comprehensive Plan to Renovate NYCHA Apartments and Preserve Public Housing,” December 12, 2018. <https://www1.nyc.gov/office-of-the-mayor/news/591-18/fixing-nycha-mayor-de-blasio-comprehensive-plan-renovate-nycha-apartments-and#/0>

existing tree canopy and areas. Although the proposed infill project will need to be approved through its own separate ULURP process, the project has been contemplated and advanced for years and as such the impacts of this project must be considered within the environmental review process for this rezoning. Second, a developer has been selected for RAD conversion at Warren Street Houses. The conversion may require temporary relocation of public housing residents while the existing buildings are updated and renovated - an impact that can and should be addressed as part of the rezoning. Third, we believe that our community is a strong candidate for the transfer of development rights as a strategy to bring additional funds to NYCHA, as developers will pay a premium to build in Gowanus.

Despite the huge impact these initiatives will have on the lives of Gowanus residents, the Draft Scope of Work fails to indicate that the City will even *consider* the relationship between these NYCHA-focused strategies and the proposed area-wide rezoning, much less seek to reconcile them and leverage them to secure the greatest benefit for the s residents most in need in our neighborhood.

It is irresponsible and neglectful of the City to fail to plan for these changes in conjunction with the neighborhood rezoning, and this must be addressed in the Final Scope and subsequent stages of the environmental review process. The City must address, among other impacts:

- The relationship between the rezoning and the proposed population increase and loss of open space resulting from infill development at Wyckoff Gardens. The sites for the planned infill development are currently parking lots that serve many Wyckoff Gardens residents, and within the context of the loss (temporary or permanent) of other public open spaces in the community - including through the Superfund process and the planned remediation of Thomas Greene Park - we are concerned about the decision to use these lots for buildings that will not directly benefit current Wyckoff Gardens residents, without consideration of other alternatives or a clear plan to create more open space and/or make open space improvements that directly benefits Wyckoff Gardens residents.
- The potential to use the MIH program to ensure that current neighborhood residents impacted by RAD can relocate within the neighborhood, and that new public housing residents can move to deeply affordable units in our area.
- Whether, and how the Transfer to preserve strategy can work in conjunction with this rezoning to bring in much needed capital funding for NYCHA. Specifically, the City should analyze the potential revenue that the City could generate for local public housing by requiring developers to buy NYCHA's air rights in order to build up to the densities proposed in the City's current land use framework, rather than offering the full amount of this density through an as-of-right scenario through an upzoning.
- The opportunity cost for failing to advance the preservation of public housing through available possibilities in this rezoning action. The No-Action Scenario should articulate the harms of failing to preserve the public housing's deeply affordable housing and how that would radically change the socioeconomic character of the neighborhood. If the preservation of deeply affordable housing is a goal of the City, every public action that could advance it must consider the ways to do it, and articulate for public evaluation the pros and cons of such approaches.

Analyze Extent to Which the Proposed Housing Will Meet the Local Need for Residents with Greatest Need

The City will analyze how the Gowanus rezoning will advance the objectives of the Housing New York plan. However, it is not enough to determine how *many* affordable units might be created as part of this rezoning; the City must analyze what *types* of affordable housing will be created and how it will *serve the population most in need*. The City will say that the affordable housing units built in Gowanus are likely to serve households lower than the neighborhood's median income, however, median household income looks at overall population trends of a neighborhood and "does not reflect the population most in need of affordable housing."¹¹ **The coalition believes rent burden, in addition to Area Median Income (AMI) should be the indicators the City looks at as it analyzes the impact of the housing being built under the Mayor's housing plan.** The extremely low income (0-30% AMI) have the greatest rent burden and make up a greater share of NYC population, but the housing that is being built under MIH is not addressing this need nor addressing the greatest gap between demand and supply for residents at or below 30% of AMI. Again, this reflects the reality of residents living in public housing, where - as previously stated - 63% of residents earn below 30% of AMI.

Analyze Environmental Impacts in Accordance with the Latest Environmental Justice Legislation

Since the beginning of this planning process, the GNCJ has advocated that environmental justice must be at the center of decision-making with respect to the implementation of this rezoning, including remediation of contaminated sites and implementation of environmental policies. We have asked DCP to explain how they will incorporate environmental justice principles into the planning process to **ensure that no community bears a disproportionate burden of negative environmental, health, and climate impacts from private and government policies and activities.**

As of yet, DCP has failed to consider EJ issues within our community and as they relate to DCP's zoning proposal. In 2017, City Council passed two Environmental Justice Bills:

- **The Environmental Justice Study Bill** ([Intro 359](#)): amends the city's administrative code to require citywide study of potential environmental justice communities to be conducted
- **The Environmental Justice Policy Bill** ([Intro 886A](#)) amends the city's administrative code to require city agencies to develop plans to address environmental injustices in communities of color and low-income communities. The plans must be in consultation with these communities, and establishes an environmental justice advisory body, comprised of EJ advocates, to work with the city on identifying and addressing environmental injustices

While the EJ plan will not be due until 2021, large portions of the neighborhood are considered "Potential Environmental Justice Areas" by the New York State Department of Environmental

¹¹ "Getting at the Need: The Case for Looking at Rent Burden Not AMI to Understand the Impact of Housing New York" (2019) anhd.org/blog/getting-need-case-looking-rent-burden-not-ami-understand-impact-housing-new-york

Conservation, and are therefore also “environmental justice areas” under Intro 886A. See N.Y.C. Admin. Code § 3-1001; NYDEC, Potential Environmental Justice Areas in Kings County, New York.¹² It is imperative that DCP uses these bills as a framework to analyze the impacts of this rezoning on EJ communities. **We demand that DCP establish and staff an EJ advisory body to respond to questions / concerns that may arise during ULURP and into implementation.**

Assess Cumulative Impacts

DSOW says that the City will analyze “a list of future development projects in the study areas that are expected to be constructed by the 2035 analysis year and may influence future land use trends. Also, identify known pending zoning actions or other public policy actions that could affect land use patterns and trends in the study areas.” This portion of the analysis should include:

- **Development in Downtown Brooklyn.** The City grossly underestimated the residential density and subsequent environmental impacts of the 2004 Downtown Brooklyn rezoning¹³, which shares numerous critical pieces of infrastructure 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. The Gowanus EIS must include analysis of the actual impact of Downtown Brooklyn (re)development to fully understand the unmitigated impacts of that rezoning and their impact on Gowanus.
- **Development in Atlantic Yards/Pacific Park.** This will almost double the amount of anticipated new housing units in our area and have significant impacts on critical infrastructure for Gowanus, in particular the RH-034 CSO-shed.
- **Development at Wyckoff Gardens.** This project will add additional residents to the immediate community in addition to the RWCDs, and rely on critical infrastructure in the RH-034 CSO-shed, the Borough Hall Energy Service District, District 15 school seats, and the F, G and R train lines.

Development on 4th Avenue. The DSOW suggests that only 43 parcels (13 sites) will be studied as Project Development Sites and 25 parcels (11 Sites) will be studied as Potential Development Sites on 4th Avenue. However, the impacts of construction underway through the 2003 North Park Slope and 2007 South Park Slope rezonings both of which included upzonings of 4th Avenue, including impacts on the RH-034, OH-007 and OH-006 CSO-sheds, the R train, the District 15 school system, and the Borough Hall Energy Service District, have not yet been fully felt by the community. Along 4th Avenue, 30 parcels have been developed since the Park Slope Rezoning proposal was approved in 2003¹⁴. Collectively, these lots account for an increase of 1,434 residential dwelling units and 3,140 residents since 2003 (*left figure below*). This additional density must be presented as part of this analysis especially since the EAS’ conducted by the City for the 2003 and 2007 rezonings inaccurately predicated no increase in population for

¹² Potential Environmental Justice Areas in Kings County, New York.

https://www.dec.ny.gov/docs/permits_ej_operations_pdf/kingsejdetail.pdf

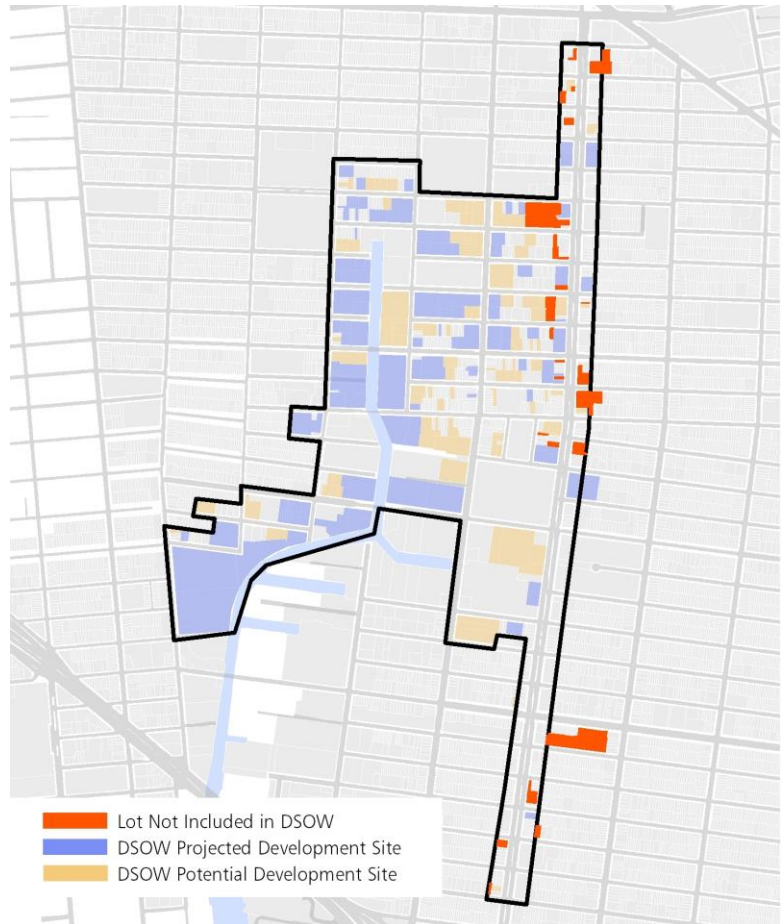
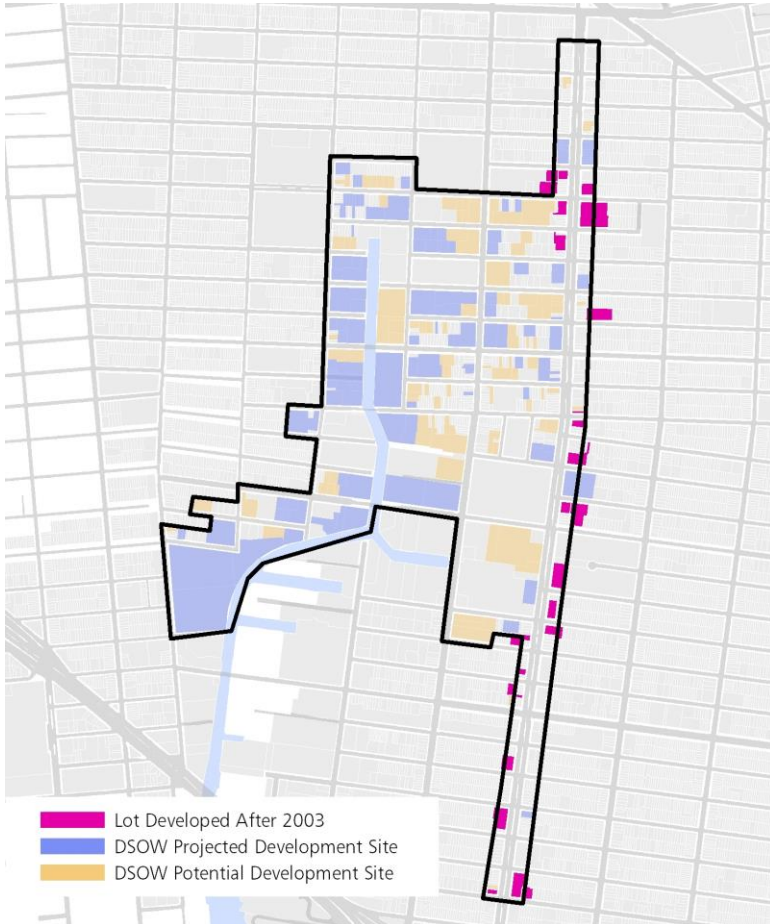
¹³ *A Tale of Two Rezonings: Taking a Harder Look at CEQR.* (November 2018) Municipal Arts Society

<https://www.mas.org/wp-content/uploads/2018/11/ceqr-report-final-smaller.pdf>

¹⁴ Primary Land Use Tax Lot Output (PLUTO) Data. (September 2018). NYC Department of City Planning

the area nor studied the impact of those rezonings on the rent stabilized housing stock and its residents.

Additionally, the DSOW leaves 309 parcels along 4th Avenue out of the study. While many of these sites are city/state owned, occupied by a community use/organization, or developed after the 2003 rezoning, there are at least 42 parcels along 4th Avenue that should be studied as Potential or Projected development sites in the RWCDs. These parcels were developed pre-2003, are at least 4,000 sf (or assemblages of 4,500 sf), and owned by realty groups, development corporations, holding companies, and LLCs (*right figure below*).



- Construction impacts of the Canal clean up, upland brownfield remediation and construction of the CSO tanks or tunnel. As these important projects will be under construction during the projected build-out of the proposed action, there must be analysis of **worse case construction impacts**, and clear and effective **interagency coordination** and/or phasing.

Analyze the Relationship Between the Proposed Rezoning and the City's Duty to Affirmatively Furthering Fair Housing

The City of New York, led by NYC's Department of Housing Preservation and Development (HPD) in partnership with NYCHA, has engaged stakeholders across the city in what it calls *Where We Live NYC*: a collaborative planning process that seeks to identify fair housing challenges that impact New Yorkers' lives, families, and access to opportunity. The FHA prohibits both intentional discrimination and policies that have a functionally discriminatory impact¹⁵ on the basis of race, color, religion, national origin, sex, disability and family status. The City undertook the *Where We Live* initiative in order to comply with its obligations under the Fair Housing Act of 1968, which requires any government agency that receives federal Housing and Urban Development (HUD) money¹⁶ to take affirmative steps to fight housing discrimination and improve housing choice.¹⁷ As part of this effort, the City has committed to taking "proactive steps to confront segregation and address unequal access to opportunity through a balanced approach [of] enabling people to [1] move to the neighborhood of their choice or [2] stay in their current neighborhood, even as it changes, [and] [3] investing equitably in neighborhoods to ensure that all communities have the resources they need to thrive."¹⁸

Many residents of Gowanus have participated in community meetings related to the *Where We Live* process, and the initiative is of critical importance to both our neighborhood and the City as a whole. Despite this, **the Draft Scope of Work does not indicate that the relationship between the proposed rezoning and the City's fair housing obligations will be analyzed. This must be corrected in the Final Scope of Work.** All of the core approaches identified by the City as part of the *Where We Live* process - (1) enabling people to move to the neighborhood of their choice, (2) supporting people in staying in their *current* neighborhood as it changes, and (3) investing equitably are of crucial significance here should be studied. For example, if the City fails to develop a MIH Option that targets the income levels of current public housing residents, it will be difficult, if not impossible for public housing residents - a group that is over 90% Black and Latino - to move to new housing in our community. This would represent a huge missed opportunity to promote racial and socio-economic integration in our neighborhood. Likewise, if infill development at Wyckoff Gardens proceeds as planned and includes a significant share of market-rate housing, the City will lose out on an opportunity to create 100% deeply affordable housing in our neighborhood or to sufficiently leverage that opportunity to resolve all of Wyckoff Gardens capital needs and thereby preserving it for residents. And, if the City fails to commit sufficient funding to shore up the existing capital needs of public housing in our community, or to create a public value recapture tool to create an additional stream of funding for NYCHA, it will

¹⁵ *Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507, (2015) (holding that disparate-impact claims are cognizable under the FHA).

¹⁶ 24 C.F.R. § 5.514 defines "program participants" to include the following: Community Development Block Grant program, Emergency Solutions Grants program, HOME Investment Partnerships program, Housing Opportunities for Persons With AIDS, Public housing agencies receiving assistance under sections 8 or 9 of the United States Housing Act of 1937.

¹⁷ "The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development." 24 C.F.R. § 5.152.

¹⁸ "What is Fair Housing?" at <https://wherewelive.cityofnewyork.us/issues/the-basics/> (last accessed May 21, 2019).

undermine the ability of current NYCHA residents to remain here and miss a chance to “invest equitably” in our community’s largest source of deeply affordable housing. Here and in other communities around the City, NYCHA is key to preserving diversity in NYC’s gentrifying neighborhoods. Though historically public housing was concentrated in very low-income neighborhoods, today a disproportionate share of NYCHA properties (60%) are located in gentrifying neighborhoods such as Gowanus.¹⁹ Preserving public housing in Gowanus is essential to furthering the goals of the Fair Housing Act - and this rezoning presents a hugely important opportunity to support such preservation. In the Final Scope and beyond, DCP must consider the relationship between the proposed neighborhood rezoning and the recommendations developed as part of the *Where We Live* process, which HPD will release in draft form this the summer and finally issue in the fall.

10-Point Industrial Action Plan

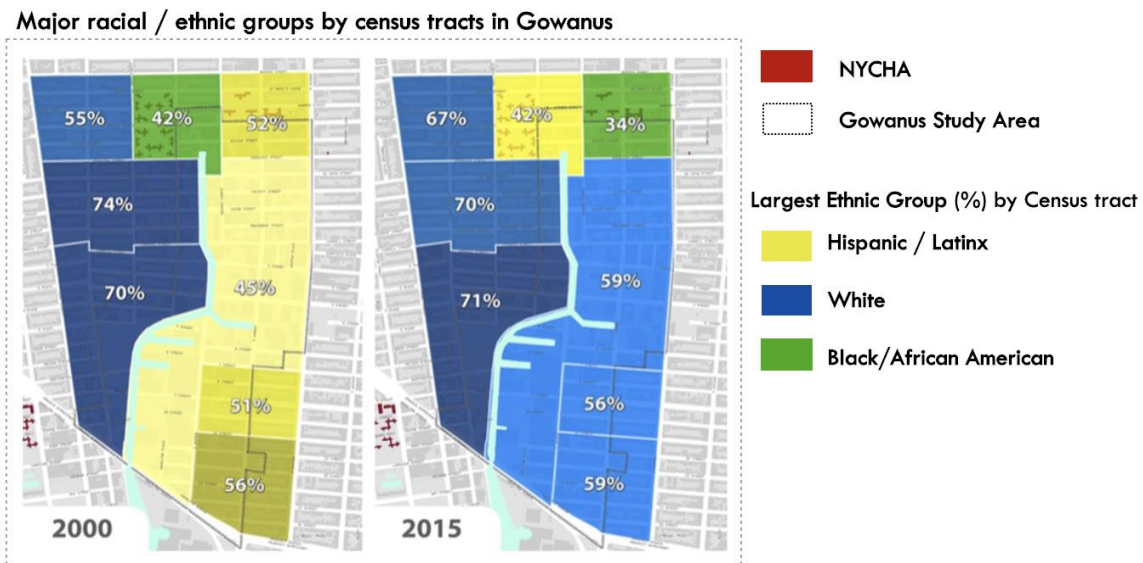
DCP must commit the financial and political resources to enforce the regulatory structure that balances industrial and commercial uses, including policies proposed in the Mayor’s 10-Point Industrial Action Plan, especially #2) advancing use group reform #3) creating new zoning models for diverse neighborhoods and #4) stopping M to R conversions in core industrial areas. Industry in Gowanus is already under siege because of real estate speculation and as-of-right non-industrial uses such as nightclubs and hotels. DCP has failed to create new zoning models for mixed use projects. The lack of action on DCP’s part is resulting in rezoning of manufacturing areas, including the Gowanus neighborhood, without consensus on how to move forward with an overall framework that truly protects industry or an analysis of mixed use strategies that DCP has implemented recently in North Brooklyn. . Without proper policy protections, changing the zoning in Gowanus industrial areas to allow for housing will accelerate loss of industrial business and well-paying jobs and may not lead to affordable housing being built, given the lot size of some parcels. Action is needed to control current trends. Most businesses in Gowanus rent and are therefore vulnerable to displacement once their lease is up. In some cases, landlords can terminate a lease in the event of a rezoning due to lease provisions. DCP must consider the Mayor’s 10-Point Industrial Action Plan as it moves forward with its zoning proposal.

¹⁹ *How NYCHA Preserves Diversity in New York’s Changing Neighborhoods*. (April 2019) NYU Furman Center furmancenter.org/files/NYCHA_Diversity_Brief_Final-04-30-2019.pdf

Task 3 - Socioeconomic Conditions

Previous Rezoning Displaced Residents

Past New York City policies and land use actions have failed to plan for the Gowanus community as a whole and have contributed to residential and business displacement. On the eastern edge of Gowanus, the 2003 North Park Slope and 2007 South Park Slope rezonings along 4th Avenue significantly increased market-rate residential development without providing any affordable housing, displacement protections, or infrastructure upgrades to the existing community. Harassment, rising rents and the demolition of rent stabilized housing have forced out low-and moderate-income residents, most of whom were Latino/a and Black, resulting in rapid demographic change in Gowanus.



Source: 2000 Decennial Census and 2015 American Community survey's 5-year estimates

The Reasonable Worst-Case Development Scenario (RWCDS) Undercounts Displacement

The RWCDS distinguishes where DCP believes that development will happen (projected sites) from where DCP believes development may happen (potential sites). In the aggregate, whether a site is classified as projected or potential has major bearing on the impacts analyzed and mitigated as part of the environmental review – especially with regard to direct and indirect residential and business displacement. **We believe that the proposed analysis for projected development will lead to an incorrect undercount of impacts, and that the methodology for projecting development should be adjusted in the Final Scope.** We believe that the methodology undercounts projected development sites because of flaws in the criteria and failure to take into account site by site conditions.

Measuring Direct Residential Displacement Accurately

The Draft Scope assumes that no multi-family residential building (6 or more units) in the rezoning area will be redeveloped. This is based on the flawed assumption that the required relocation of rent-stabilized tenants would preclude development, regardless of the incentive to build. Yet this assumption is unlikely to hold true. First, there is no guarantee that just because a building contains 6 or more units it must contain rent-stabilized tenants; in reality there are numerous mechanisms through which units can leave stabilization entirely, and today there are countless multi-family residential buildings throughout the city that no longer contain any rent stabilized units. **A more detailed building by building analysis must be conducted to determine those buildings that actually contain rent stabilized tenants.** Furthermore, harassment of rent stabilized tenants throughout the city - including in and around the rezoning area - is well-documented, making it obvious that landlord actions to empty a building of rent-stabilized tenants by illegal means is entirely a possibility and has actually occurred in locally. This is especially true for an M to R rezoning as is proposed here, which will provide residential FAR that doesn't currently exist today, greatly increasing the economic incentive to redevelop, particularly where lots are underbuilt relative to the proposed FAR. **An "across the board" exclusion of existing residential properties - regardless of particular characteristics and vulnerabilities - is insufficient. The analysis must include multi-family residential buildings in its RWCDs that would otherwise match the definition of a projected or potential site.**

Measuring Indirect Displacement Accurately

The methodology used to measure indirect displacement in the Draft Scope will underestimate the real risk to local residents in rent-stabilized buildings because it considers only legal forms of displacement. DCP's methodology automatically assumes that rent stabilized tenants will not be displaced because in theory they have the legal right to a lease renewal, and landlords are legally limited as to the rent increases they can impose.

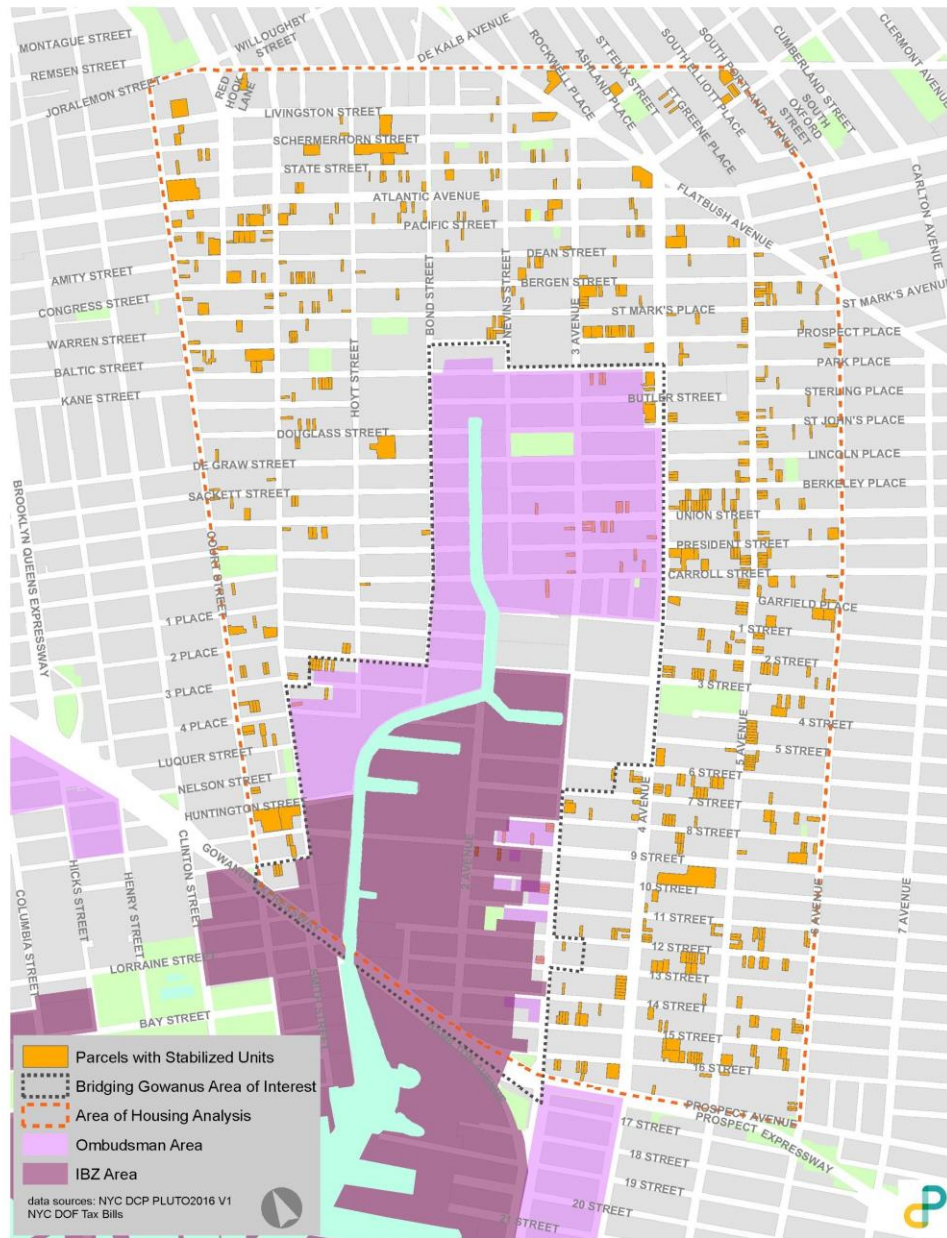
But in reality tenants – especially rent stabilized tenants – commonly face a wide range of harassment tactics specifically designed to drive them out of their homes so that landlords can take advantage of both legal loopholes in the rent laws, and insufficient enforcement practices, to raise rents and deregulate apartments. First, there are many legal ways that landlords can raise rents on apartments subject to rent stabilization. Although annual rent increases are governed by the Rent Guidelines Board, landlords can achieve rent increases on the basis of performance (or claimed performance) of Major Capital Improvements (MCIs) and Individual Apartment Improvements (IAIs). As a local housing market begins to heat up, landlords have greater incentive to claim MCIs and IAIs, often using the performance of work that is long overdue in long-neglected buildings to raise rents and prepare for higher-income tenants. Landlords can also achieve more drastic rent increases by ceasing to offer preferential rents. A preferential rent is one that is not as high as the legal limit for a particular unit, and is offered voluntarily by a landlord. While seeming like a benefit to the tenant, in reality a preferential rent directly undercuts the protection and stability rent stabilization is intended to provide, leaving tenants vulnerable to large rent increases at every lease renewal, regardless of the

rates permitted by the Rent Guidelines Board. In the three zip codes that cross the boundaries of the study area there are an estimated 3,294 households that are currently paying a preferential rent.²⁰ This means 3,294 families that are not subject to the limits on a rent increase that rent-stabilized tenants depend on. As land values and rents increase following the rezoning, there is nothing to stop a landlord from raising the rent to a level that might force a tenant out.

Second, as we saw after the 2003 and 2007 Park Slope rezonings, landlords in neighborhoods experiencing gentrification are likely to engage in a wide range of illegal tactics to displace rent-stabilized tenants. Displacement of tenants from rent regulated apartments often leads to the deregulation of that apartment, or at least to significant jumps in the legally allowable rent. This is evident in the significant loss of rent stabilized housing in the study area from 2007-2014, which saw a 22% decrease in rent stabilized units in Gowanus and the surrounding neighborhoods of Boerum Hill, Carroll Gardens, and Park Slope (see map on page 27) in part due to the North and South Park Slope rezonings.

The City must not assume that rent-stabilized tenants are secure in their homes, nor that those units will remain affordable simply thanks to the existing laws and regulations that govern them. Any method of study that accounts only for legal methods of displacement ignores the reality of tenant harassment as a pervasive problem and dismisses the very real threat of displacement to the rent stabilized tenants of Gowanus and the surrounding neighborhoods. **The City must analyze and disclose the indirect and direct displacement risks to rent-stabilized tenants.** Provide data and analysis looking at the impacts of the 4th Avenue rezonings on displacement.

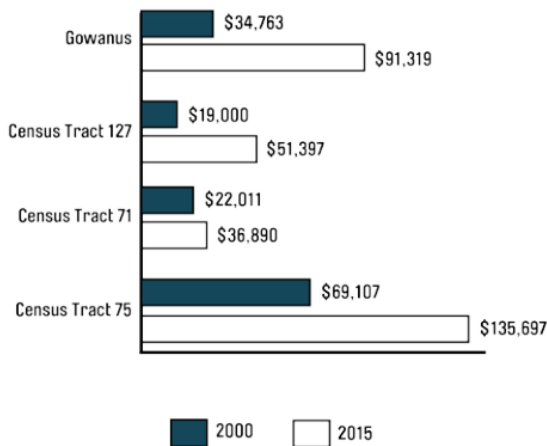
²⁰ Preferential Rents in NYC; <https://projects.propublica.org/graphics/preferential-rents>; data is drawn from zip codes 11215, 11217 & 11231



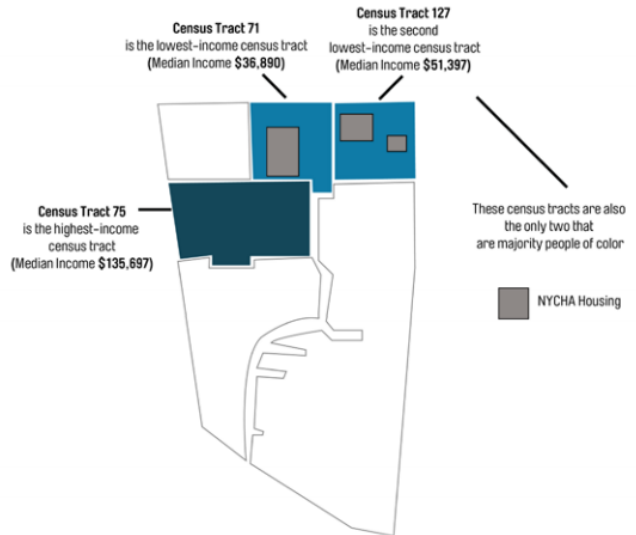
Disaggregate Data to Inform the Needs of our Low-Income Community

Additionally, a detailed Indirect Residential Displacement analysis is only triggered where “a proposed project either introduces a trend or accelerates a trend of changing socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change.” The first step in determining whether a detailed analysis of indirect residential displacement will take place is to: “Determine if the Proposed Actions would add substantial new population with different income as compared with the income of the study area population.” The problem is that the neighborhood is, *on average*, very high-income, in part because of the displacement that has already occurred - so it’s not likely that the *average* income of incoming residents will be much higher. However, **the impacts of this neighborhood rezoning on low-income residents, including rent-stabilized and public housing residents, should be studied.**

Median Incomes in Gowanus



Highest- and Lowest-Income Areas in Gowanus



Source: Decennial 2000 Census, 2015 American Community Survey

Business Displacement

Additional screening items that exclude sites from the projected category have great potential to result in an overly conservative projection. For example, lots “upon which the majority of the floor area is occupied by active businesses” were considered to be potential - instead of projected - sites. But being an active business is no actual protection for tenant businesses in properties that have sky-rocketed in value. Nothing in this criterion speaks to the extent of the economic incentive that a landlord would have to displace active businesses; it only speaks to the potential disincentive to the landlord caused by the hassle of ending leases and evicting multiple businesses. When the economic incentive to displace is great enough, landlords are not deterred by active uses on site. Similarly, being a “unique” or “valuable” business is no protection against the actions of a landlord if a business rents its space, like the overwhelming majority of businesses in the area do.

The City also assumes that “lots with a significant number of commercial or industrial tenants” are less likely to be developed within 15 years because the presence of such tenants “may be difficult due to long-term leases.” Finally, the City assumes that “active businesses, which may provide unique services or are prominent and successful neighborhood businesses or organizations unlikely to move,” are also less likely to be developed. Therefore, the City categorizes such sites as “potential,” rather than “projected,” development sites. This exclusion is significant because “The EIS will assess both density-related and site-specific potential impacts from development on all projected development sites,” but for potential development sites, the EIS will review only site-specific impacts, not density-related impacts.

Based on its analysis, the DSOW projects the loss of

- 104,000 sf of warehouse space
- 125,000 sf of self-storage space
- 60,000 sf of “other” industrial space
- 290,000 sf of total industrial space

We believe businesses are less secure than the City imagines; therefore the density impacts assessed in the DEIS are likely to be underestimated (see Draft Scope p.45). In fact, during the industrial working group sessions that were held in the Spring of 2017, businesses pointed out that many have leases that are terminated in the event of a landlord change or land use action. Given the importance of these higher paying industrial jobs, the City should analyze the vulnerability of existing businesses by reviewing past rezonings that have led to greater displacement than what the City predicted and should include detailed business surveys to document the presence of early lease terminations due to land use actions or sales.

Analyze

1. **The City should look into past rezonings and analyze the discrepancy between how much displacement the City forecasted to occur with how much direct/indirect displacement actually occurred, and disclose all data and findings to the public.** This community has already been heavily impacted by rezonings, and the impacts were much greater than what the City estimated when it did its environmental studies for the 2003 and 2007 Park Slope rezonings. Although the City indicated in the context of the East New York rezoning that analyses of past rezonings go beyond the scope of the CEQR review process for new neighborhood rezonings, if the City ignores these past rezonings, it ignores valuable data that could help to create a more accurate picture of future neighborhood change in our area.
2. **Disaggregate data in the EIS by race and income to understand displacement risks for low-income residents and residents of color** so that the wealth of CB6 doesn't mask the significant need that exists within the community, especially for rent stabilized tenants and public housing residents. It is crucial that DCP understands the needs of our most vulnerable community members to ensure appropriate mitigation policies that can address harmful impacts of this rezoning. The City looks at overall neighborhood displacement but ignores higher displacement risks for low-income residents. In disaggregating data the City should:
 - Use HUD data set to show granular picture of who is living in *local* public housing developments and what their needs are
 - Highlight the number of low-income families who live in private housing in the community, including rent-regulated housing
3. **Include multi-family residential buildings in the RWCDs that would otherwise match the definition of a projected or potential site.** Don't assume that all multi-family residential buildings contain rent-stabilized units, or that the protections of rent-stabilization are sufficient to prevent displacement where the development potential is great enough.

4. Analyze secondary displacement impacts on rent-stabilized tenants. Gowanus and the surrounding neighborhoods have already lost a significant amount of rent-stabilized housing. The city must understand the impacts of this neighborhood rezoning on rent-stabilized housing stock that still remains in the neighborhood to ensure further damage is not done.

5. Analyze secondary displacement impacts on public housing residents²¹

A 2015 study by the NYC Center for Economic Opportunity found that NYCHA residents living in gentrifying neighborhoods rarely benefit from the increased economic activity. The City has an obligation to understand how its zoning proposals are impacting public housing residents directly adjacent to the neighborhood rezoning. Additionally, although residents have important rights other tenants in the community do not, there is enormous pressure on NYCHA to privatize and the City does not give any thought to whether and how an upzoning will create even more pressure to turn NYCHA campuses into or include market-rate housing.

6. Consider the risk of displacement because of the RAD program at Warren Street

DCP has also refused to include proposals at the local public housing developments to understand how the cumulative impacts of the rezoning proposal, the market-rate infill development at Wyckoff Gardens and RAD conversion proposal at Warren Street Houses will impact public housing residents.

- In light of the RAD conversion proposal, the City should explain prior to ULURP how the city plans to ensure residents will be able to return to their homes following construction and where these residents will go while improvements are being made.
- The City doesn't consider this to be within the scope of the neighborhood rezoning, but given the current market in the community it's very unlikely that residents will be able to be relocate within the community, and that becomes even less likely if a rezoning happens that doesn't create any housing affordable to current NYCHA residents. 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.²²

7. Analyze how the anticipated delayed timing of the provision of affordable housing and open space at Gowanus Green, due to it being an MGP site that requires remediation and a staging site for the US EPA Gowanus Canal Superfund clean-up, impacts mitigations needed in the rezoning.

The indirect and direct displacement pressures associated with the Gowanus area-wide rezoning have already begun and will continue for several years prior to any new affordable housing at Gowanus Green is produced or new open space is created due to the timing of environmental clean-ups. The City must not consider affordable units or open space created through Gowanus Green as mitigations before 2025 or even later.

²¹ The Effects of Neighborhood Change on New York City Housing Authority Residents. NYC Center for Economic Opportunity. May 2015. Accessed at http://www.nyc.gov/html/ceo/downloads/pdf/nns_15.pdf

²² Furman Center. *How NYCHA Preserves Diversity in New York's Changing Neighborhoods*. (2019) furmancenter.org/thestoop/entry/how-nycha-preserves-diversity-in-new-yorks-changing-neighborhoods

8. **Analyze impacts on existing businesses:** DCP's assumes that lots with significant number of commercial or industrial tenants are safe from displacement due to "long-term" leases but this doesn't take into account clauses that terminate the lease in the event of a rezoning or change of landlord. As previously stated, the economic incentive is great enough for landlords to find a way to remove business tenants, through legal and illegal means. DCP's analysis likely greatly undercounts the number of businesses, especially lower-revenue industrial and manufacturing businesses, to be directly or indirectly displaced.
9. **Analyze mandating smaller storefront sizes along 3rd and 4th Avenues** to help incentivize and grow the local, small businesses we want to see thrive in Gowanus, like mom and pop retail stores and light industrial/maker space. This requirement can be achieved through mapping the Enhanced Commercial District currently found on Manhattan's Upper West Side (EC-2) or by incorporating its requirements into the Gowanus Special District.

Mitigate

Housing Strategies

The City must adopt these housing strategies to mitigate low-income residential displacement:

1. **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.
2. **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.
3. **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 households whose annual income is between 0%-60% of AMI.
4. **The City must provide funding and programming for now-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 arming local residents with the tools to hold NYCHA in compliance with the stipulations of the city's agreement with HUD.

5. **Protect tenants from being priced out and pushed out through anti-harassment and anti-displacement policies.** Include zip code 11215, 11217, 11231 in the Right to Counsel pilot program at the same time as the rezoning.
6. **Establish a preference for new affordable housing for families previously displaced from the community due to past rezonings, rent hikes or landlord harassment.**

Support Local Employment

No housing is affordable without a living wage job. In order to truly promote affordable housing, workforce development and adult education must be part of the City's strategy. The City should consider and adopt the following as mitigation strategies to prevent displacement:

1. **Fund Local CBOs to Address Local Skills Gap Through Proven Multi-year Investment Strategies: Fund at least \$2.5m over 5 years to expand local CBO capacity to have integrated service and bridge programming effort** (adult ed, workforce dev., contextualized bridge programming, internships, wrap around services) focused on unemployed/underemployed low and moderate income (LMI) CB6 residents, with focus on public housing residents, to secure family supporting employment.
2. **Fund Local CBOS to Address Local Skills Gap through Workforce Development and Training Program, and an Industrial Sector Apprenticeship** program as outlined in the Gowanus IBZ vision effort for local LMI CB6 residents, with a focus on public housing residents.
3. **Leverage Private Investment to Create Jobs for Local Residents:** Require local CBO partnership and contracting for local recruitment, training and hiring of local low and moderate-income CB6 residents for maintenance of public open space and construction and maintenance of privately-owned buildings associated with City-sponsored rezoning(s).
4. **Leverage Public Investment in Infrastructure to Create Jobs for Local Residents including Youth:** Require and fund local CBO partnership and contracting for local recruitment, training and hiring of local LMI CB6 residents for maintenance of public open space.
5. **Invest in Local Youth Employment:** Fund Summer Youth Employment Program (SYEP) slots to ensure access to youth from various CB6 public housing communities on an ongoing basis.

Preserve and Grow Quality Industrial Jobs

1. **Follow-through on a commitment from the City to complete a Gowanus IBZ Vision document,** by the time Community Board 6 is voting upon the Gowanus Rezoning proposal, that outlines investment in critical infrastructure, land use and workforce strategies to foster quality jobs that pay family-supporting wage, are accessible to lower-to middle-income residents of Community Board 6, especially NYCHA residents, and provide career-building skills.

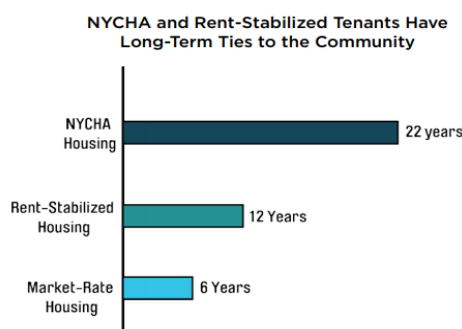
Task 4 - Community Facilities and Services

“I’ve come to an understanding that a lot of people are losing their businesses because of the rezoning situation. I want to know what is going to happen to people that are actually in a low-income situation; how all this change is going to affect us. What is going to come and replace these things that we need most?” – GNCJ Survive and Thrive

Longtime residents who have deep roots in the community, particularly those who live in rent stabilized and public housing, and deserve to experience the benefits of increased public and private investment coming into the neighborhood. The loss of important businesses, institutions and programs that serve as a resource to low- and moderate-income residents fundamentally impacts the quality of life for these residents and exacerbates existing problems.

One GNCJ demand that has not been met includes the opening of the Gowanus Community Center. The Center served as a crucial post-Sandy resource to meet the basic needs of NYCHA residents who lost heat, electricity and hot water. Though the Center had once served as an important hub for residents for job training, personal development and a space to celebrate cultural events, prior to Sandy it had remained mostly closed due to defunding by NYCHA. Reopening the Gowanus Community Center to serve as a vital community development and cultural resource for NYCHA residents should be a goal of the rezoning and can build upon past Participatory Budget commitments to the Center.

In addition to protecting and expanding the institutions and programs that are recognized as cultural and artistic hubs for the existing community, it is important that the City recognize and preserve those places where the art and culture of longtime community residents lives more informally and unprofessionally. **For example our definition of such institutions can and should also include religious institutions, stores, restaurants, non-profit community-based organizations, athletic spaces and public spaces that have served low- and moderate-income residents.** In general the City should protect institutions and spaces that are welcoming and culturally relevant for public housing residents, longstanding racial and ethnic communities including the African-American community, 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.



On average, residents of public and rent stabilized housing tend to live longer in their homes than those who live in market-rate housing. In NYC, the average resident living in NYCHA or rent stabilized housing lives there for 22 and 12 years, respectively, compared to 6 years for market-rate tenants.^{24,25}

Analyze

The City should:

1. **Analyze what institutions have already been lost due to speculation or displacement pressures** (such as affordable supermarkets and bodegas), and what businesses that serve low- and moderate-income residents are at risk of displacement.
2. **Conduct analysis of local library capacity and provide additional library space and investment if needed.**
3. **Analyze the impact of the rezoning on a wider range of community institutions** including community centers, religious institutions, stores, affordable restaurants, etc.

Mitigate

1. **The City must live up to its promise to reopen the Gowanus Houses Community Center. Construction must begin on this vital community resource before any rezoning is approved.** The City must allocate sufficient funding to make necessary repairs that it has promised (\$4million) BEFORE certification begins. The City must fund programming that is truly community-based, run in collaboration with local residents, and responsive to residents' needs.
2. **The locations and services of public schools must be identified before ULURP begins,** to ensure that the demand for these critical community facilities doesn't outpace their construction. It appears from recent DCP documents that the City plans to mitigate school impacts with an FAR incentive to build new schools as part of new development, however, the community must be informed of where these schools will be located and the timeline for when they will be built.
3. **There must be capital improvements for the Pacific Library,** which is the only library in rezoning boundaries, including ADA accessibility, staffing and resources.

Task 5 - Open Space

Gowanus is considered an underserved area for green space. Residents rely on Thomas Greene Playground and the swimming pool as the only open, green space in the immediate area. As the clean-up of the Canal proceeds, low income residents of color are already experiencing the impacts disproportionately. One of two Combined Sewer Overflow (CSO) multi-million-gallon retention tanks will be constructed near the Douglass and DeGraw ("Double D") community pool. Additionally, the remediation of the Fulton Manufactured Gas Plant will impact the Double D Pool and adjacent sites. These disruptions will take Double D Pool and Thomas Greene Park offline for years in a neighborhood with scarce open space and public recreation just as DCP's proposal expects to bring at least 18,000 new residents to the neighborhood.

Additionally, while the DSOW claims (DSOW, 54) that the Project Area does not encompass areas that are underserved by open space - this is not true. The area of 4th Avenue south of Union Street is considered by NYC Parks to be underserved by park space,²³ with Washington Park the only park serving this area. Additional open space will be needed for additional residential population in this area.

Analyze

1. **The City must analyze the cumulative impact on open space of all planned development in the community.** In addition to the potential full Gowanus rezoning scenario development build-out, the ongoing Superfund remediation, the northern & southern CSO control facilities, MGP site Clean-ups, Wyckoff infill, and Warren street RAD developments, along with the Con-Edison facilities on Nevins between Baltic and Butler and on 3rd avenue and 3rd streets should be considered.
2. **The City must analyze and mitigate expected loss of trees due to all on City owned sites or City led construction** including High Level Storm Sewer construction, Wyckoff Gardens infill and 1st Street Turning Basin excavation.

Mitigate

1. **The City must work with National Grid to secure a replacement for Thomas Greene Park by insisting on the development of a temporary park and pool nearby.** After Thomas Greene Park comes back online post-environmental remediation, this additional park should remain open to address the open space needs of the community. The temporary park and pool must have comparable ease of access for residents of the area, particularly those in Gowanus Houses and Wyckoff Gardens, and must be open by the time environmental remediation begins at Thomas Greene Park.
2. **The City must allocate resources to fully fund the renovations of Thomas Greene Park,** which will only be partially funded through the Superfund clean-up. National Grid is only obligated to restore Thomas Greene Park to its current status under the Superfund clean-up, but the pool area and recreational space need significant upgrades to continue to be a resource for the community. As of yet, the City has not committed specific funding to upgrades that will bring the park up to modern, safe standards with sufficient shade and amenities, but the rezoning provides an opportunity to leverage and secure funds.
3. **New development should mitigate the effects of urban heat island and manage stormwater** by implementing streetscape improvements, green roofs and walls, and green infrastructure.

²³ www1.nyc.gov/assets/oc/technical-manual/2014_ceqr_tm_open_space_map_gowanus.jpg

4. **Improve the surrounding conditions, including better lighting and improved park/greenspace, of NYCHA developments.** There is an opportunity through this rezoning to improve the parkland and open space on NYCHA properties to ensure that both NYCHA residents and surrounding community members can safely enjoy the public amenities by improving lighting and redesigning public space with input from NYCHA residents and neighbors.
5. **Allow and incentivize programmed spaces on the privately owned, publically accessible esplanades.** The DSOW claims to be creating 6.4 acres of new open space, but much of it is relying on private development along the waterfront including open space at Gowanus Green which will not be provided for many years. In order for this space to feel public and serve the growing neighborhood, the Waterfront Access Plan must encourage active and comfortable use of the waterfront esplanade, including installation of BBQ areas, play structures, access to the water, bathrooms, and public art.
6. **The City must allocate resources to fund the additional public spaces called out in the Gowanus Lowlands plan,** including Under the Tracks Park, the Transit Plaza at 9th Street, open space at both CSO tank sites (Head of Canal and Salt Lot), and the Old Stone House Annex, as well as street ends and bridges.

Task 9 - Natural Resources

As a low-lying former salt marsh, Gowanus is rich in natural resources, including the Canal itself, a high groundwater table, numerous underground creeks, and pockets of feral vegetation. These resources make the Canal an important stop for migratory birds on the Atlantic flyway. The hydrologic resources and saturated soils also often complicate inhabitation of this low-lying area - streams run through many basements, and high groundwater causes almost immediate street flooding during rain events. These issues and mitigation must be looked at comprehensively in the EIS.

Analyze

1. **The City must review finer resolution datasets to fully understand the nuances of the local landscape.** The resources that the DSOW plans to review largely utilize national or regional datasets that do not portray the nuances of the local soils or hydrology. The EIS should incorporate and synthesize locally available data, specifically soil boring records from planning for DEP Green Infrastructure, DEC Brownfield remediation and EPA Superfund remediation; as well as Eymund Diegel's Historic Stream Modeling Results, Gowanus Canal Conservancy Bioblitz reporting, Brooklyn Bird Club monitoring, and NYC GreenThumb community garden inventory.
2. **There must be a comprehensive hydrology study** that includes modeling the impact of the RWCDs *during and after* construction on groundwater, stormwater and tidal flux, all in the context of rising sea levels and increased precipitation due to climate change.

Mitigate

1. Require pre and post construction inspection and permitting for groundwater and stormwater management at a level consistent with DEP MS4 Guidelines.
2. Ease permitting restrictions and allocate resources for groundwater management, including subsurface wetlands and stream daylighting.

Task 11 - Water + Sewer Infrastructure

The Draft Scope of Work refers to CSO management the City is already required to construct under the Superfund and Clean Water Act to deal with existing conditions, including two planned CSO tanks. The city has recently presented an alternative plan to build a tunnel instead of the tanks (DSOW, 6-7) citing the potential of tunnel expansion as a primary reason. However, these remedies are designed only to address current needs, and do not account for additional CSO loading due to land use changes. Furthermore, these remedies as currently outlined only address CSO volumes in two CSO sheds, leaving 8 CSO sheds unmanaged. These workplans address existing issues and they cannot be cited as mitigation for increased sewage and stormwater load.

Analyze

1. The study area for the assessment of wastewater and stormwater infrastructure will be established in consultation with DEP (DSOW, 62). The appropriate study area for this assessment is the watershed and should include projected wastewater generated from other developments in the watershed, including Atlantic Yards and Downtown Brooklyn. Impacts of this study should be evaluated by each CSO drainage area.
2. The description of the existing stormwater drainage system and surfaces (DSOW, 62) must include an investigation into impervious sites with unpermitted direct discharge flowing into the canal. These areas should not be counted as contributors to existing annual CSO volume.
3. The description of the existing sewer system will be described based on by records obtained from DEP and the existing flows to the Red Hook and Owls Head WWTPs will be presented (DSOW, 62). A comprehensive study of the existing sewer system must include increased wastewater load by CSO drainage area and model impact at each CSO outfall. Furthermore, to ensure a comprehensive baseline for existing water quality, local data collected adjacent to CSO outfalls during wet weather should be incorporated.
4. Sanitary sewage generation for the projected development sites identified in the RWCDs will be estimated to determine incremental demand on the system and impact on operations of the Red Hook and Owls Head WWTPs (DSOW, 62). The effects of the incremental demand on the system should be further assessed to determine if there will be a net increase in sewage and stormwater during a given rain event, which would result in more CSO.

5. As the study above will show that increased sanitary or stormwater discharges from the RWCDs associated with the Proposed Actions will increase CSO volume and frequencies, a more detailed analysis should be completed and mitigation actions identified with ample time before ULURP begins.

Mitigate

A net increase in daily sanitary sewage generation contributing to additional sewer loadings under the RWCDs shall not be permissible. The following mitigation strategies should be studied and the appropriate mix should be identified in order to avoid additional CSO.

1. In new development over 4 FAR, require mitigation of anticipated daily water consumption by at least 50% through on-site CSO best management practices, including smart storage, black and greywater systems, or composting toilets.
2. Require new development to include performance-based monitoring to allow impact tracking and ensure accountability for water storage assets exceeding a certain size.
3. Require or provide incentives for new development to install site-appropriate right-of-way green infrastructure, including suspended pavement, subsurface wetlands and street end rain gardens, to manage a percentage of street stormwater along new frontages.
4. Install high-performance green and grey infrastructure projects to completely mitigate any additional CSO created by higher density from Gowanus Neighborhood Plan.
5. Fund design and technical assistance for sewage and storm water management in new development.
6. Fund ongoing local education and technical assistance for water conservation and storm water management by residents, businesses and property owners throughout the Gowanus Watershed.
7. Maintain sewer main lines using preventative maintenance schedules that are shared with community stakeholders to stop sewer back-ups in 1st floor NYCHA apartments and neighborhood homes.

Task 13 - Energy

The EIS must include a comprehensive energy impact analysis under a Reasonable Worst-Case Development Scenario (RWCDs) that looks at grid and delivery capacity as a whole, and not just use in Gowanus. The Con Edison Borough Hall electricity grid serves the majority of the rezoning area, as well as rapidly growing Downtown Brooklyn. This service area is currently near capacity, so it is essential the EIS accurately analyze probable density and energy demand inclusive of probable development in Downtown Brooklyn, Wyckoff Gardens and 4th Avenue that is not currently included in the RWCDs - see comments on Task 2. The EIS should additionally account for energy needs of the CSO tunnel and not just the tank options currently proposed by DEP.

Energy delivery and the increased demand for energy resources resulting from higher density are not sufficiently addressed in the Draft Scope of Work²⁴. Furthermore, the DSOW suggests that only energy use will be evaluated and does not allow for impact on energy supply, delivery and resiliency infrastructure.

The impact of rezoning on energy supply and service goes beyond Gowanus rezoning area affecting surrounding neighborhoods and downtown Brooklyn. And yet energy demand and supply infrastructure is treated only superficially (two paragraphs) in the SOW as an item for study. Furthermore, it is Con Edison's service and infrastructure that is most impacted by rezoning, and yet they are not mentioned in the DSOW for assessment or study. Only National Grid, the City's Natural Gas Utility, might (if necessary) be consulted in preparation of the energy impact analysis, Section 13 (DSOW, 63).

Furthermore, the DSOW indicates the estimated increase in use will be evaluated as recommended in the CEQR Technical Manual on a site by site basis. The Technical Manual, however, requires only a building by building impact assessment "if applicable and significant."²⁵ Furthermore, the Technical Manual provides that "In most cases, a project does not need a detailed energy assessment, but its operational energy consumption is often calculated.

The EIS must include a comprehensive energy impact analysis under the RWCDs that looks at the energy delivery system as well as energy use on a district scale across the Borough Hall Energy Service Area and the Sunset Park Energy Service Area. The design of the energy impact analysis must include data and input from Con Edison as well as National Grid.

Finally, the EIS energy impact analysis should incorporate the impact, both positive and negative, of the changes to NYC Administrative Code requiring energy efficiency performance standards, indirect global warming gas emissions that come from energy use in buildings and effect of increased local energy resiliency investment that could result from the changes to the Administrative Code.

²⁴ Estimated amount of energy that would be consumed annually as a result of the day-to-day operation of the buildings and uses resulting from an action is disclosed

²⁵ CEQR Technical Manual, Chapter 15, page 15-1 https://www1.nyc.gov/assets/oec/technical-manual/15_Energy_2014.pdf

Task 16 - GHG Emissions & Climate Change

A key strategy identified in the Draft Scope is to manage current and future flood risk (DSOW, 10), including a requirement to raise the shoreline to account for future sea level rise (DSOW, 24). It is essential that new flood-resilient shorelines, buildings, and infrastructure allow for positive drainage to the canal. Raising the shoreline without accounting for quick drainage would exacerbate flooding for existing low-lying streets and buildings in the surrounding neighborhood. The DSOW also refers to engaging the community in emergency planning. There must be funding allocated to achieve this priority.

Task 18 - Public Health

The analysis of public health impacts should include an assessment of existing vulnerable populations and the compound effects of new construction on health as they relate to Superfund impacts, indoor health concerns at NYCHA, and other social determinants of health affecting vulnerable populations.

Task 19 - Neighborhood Character

Analysis

The GNCJ has closely followed the work of other local coalitions in neighborhoods slated for rezonings, and we agree with those groups that the manner in which the City typically analyzes the impact of rezonings on neighborhood character is insufficient and falls short of what both the CEQR Technical Manual and the State Environmental Quality Review Act require. **We urge 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.** In particular, we urge the City to consider the following as “defining features”²⁶ 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.

All of these features have been threatened or undermined by past land use actions in our area. For instance, Latinos once represented over a third of our community, but this has dropped to less than a quarter. This Gowanus neighborhood rezoning should aim not only to *preserve* the unique features of our neighborhood, but *strengthen* them.

Our request that the City disaggregate data by race and income to identify potential negative impacts on people of color, low-income residents, and public housing residents also relates to this Task area.

²⁶ “Neighborhood Character,” CEQR Technical Manual (2014), Ch. 21 at Sec. 320.

Performance of that disaggregated analysis is critical to surface disproportionate impacts that could adversely affect our neighborhood character.

Mitigation

The City must take into account the community's strong preferences and consider (1) any potential loss of public housing, (2) any action that threatens our neighborhood's live/work balance, and (3) any strategies that would further decrease Gowanus's racial, ethnic and socio-economic diversity to be negative impacts on our neighborhood character, and the City must revise its plans and/or develop mitigation strategies to address any such impact. These mitigation strategies can include many of the proposals we have offered elsewhere in our comments, including the creation of public value recovery tools to bolster and preserve existing NYCHA housing; the creation of a new deeply affordable Mandatory Inclusionary Housing option that allows more low-income people to live in our community; and the creation of a "Gowanus mix" that *requires* inclusion of industrial and arts spaces.

Task 20. Construction

There are significant potential construction conflicts with the ongoing Superfund and MGP Clean-ups. The EIS should study RWCDs construction timelines in the context of Superfund and MGP remediation timelines. Particular attention should be paid to conflicts with bridge utilization and barge traffic, noise impacts from pile and bulkhead driving, and groundwater management.

- Study cumulative impacts of Rezoning, Superfund, Infill construction etc.
- Determine appropriate mitigation and Phasing and timeline
- Look at adjacent vulnerable populations

Task 22 - Alternatives

The City should consider alternatives that study the following:

- Making the Gowanus Mix Mandatory with strict use restrictions
- Environmental Special District overlay on the GSD that includes the higher standards laid out in Appendix C
- Including public housing in the rezoning area and studying the sale and transfer of existing NYCHA air rights in the rezoning area
- Including public housing in the rezoning area and studying the upzone of NYCHA developments and the sale and transfer of the air rights in the rezone area
- Analyze an as-of-right reduction throughout the rezoning area. This will enable the City to maximize revenue from TDR to preserve NYCHA.



APPENDIX A



GNCJ Membership

350 Brooklyn

Arts & Democracy

FAC

FUREE

Gowanus Canal Conservancy

Gowanus Houses Residents

Inquilinos Unidos

Park Slope Civic Council

Southwest Brooklyn Industrial Development Corporation

St. Lydia's Church

Trellis

Turning the Tide

Warren Street Houses Residents

Wyckoff Gardens Residents



APPENDIX B

GOWANUS NEIGHBORHOOD COALITION FOR JUSTICE

OUR PRINCIPLES

1 	ADVANCE RACIAL & ECONOMIC JUSTICE	<ul style="list-style-type: none">1.1 Address existing racial and economic segregation within our communities and schools1.2 Work with communities of color to develop policing strategies responsive to their needs1.3 Guarantee investment in workforce development and training and local hiring1.4 Create opportunities for residents to start their own businesses within the community
2 	RESPECT, PROTECT & CONNECT PUBLIC HOUSING & ITS RESIDENTS	<ul style="list-style-type: none">2.1 Ensure people of all racial, ethnic, and economic backgrounds, including New York City Housing Authority (NYCHA) residents, shape and benefit from the rezoning process2.2 Invest in NYCHA to address long-standing repair needs and hazardous conditions2.3 Enforce Section 3 and local workforce training and hiring to ensure public housing residents see the economic benefit from public and private investment
3 	CREATE REAL AFFORDABLE HOUSING & PROTECT TENANTS FROM DISPLACEMENT	<ul style="list-style-type: none">3.1 Protect tenants from being priced out and pushed out through anti-harassment and anti-displacement policies3.2 Produce deeply and permanently affordable housing units to meet the needs of the lowest-income people in our community
4 	PROMOTE ENVIRONMENTAL JUSTICE	<ul style="list-style-type: none">4.1 Promote climate justice and social resiliency through the creation of an Eco-district and disaster preparedness4.2 Invest in growing and upgrading existing green, open and park space; ensure new green, open and park space is publicly accessible and culturally relevant to all4.3 Invest in sewer-shed and green infrastructure to address on-going challenges of Combined Sewage Overflow and urban heat island impacts
5 	RECOGNIZE & CELEBRATE THE CULTURE & COMMUNITY OF LONGTIME RESIDENTS	<ul style="list-style-type: none">5.1 Support and amplify the arts and culture of existing residents of Gowanus5.2 Protect institutions and spaces that are welcoming and culturally relevant5.3 In public spaces in particular, preserve and create culturally relevant programming5.4 Celebrate, elevate, promote and preserve the cultural heritage of all community residents
6 	PROTECT LOCAL BUSINESSES & INDUSTRY WHERE WE SHOP & WORK	<ul style="list-style-type: none">6.1 Retain and promote industry and manufacturing businesses and good paying jobs6.2 Protect commercial establishments that serve the needs of NYCHA residents and other low- and moderate-income residents in Gowanus6.3 Support workforce development and training and adult education programs for local residents



APPENDIX C

GOWANUS NEIGHBORHOOD COALITION FOR JUSTICE ECO-DISTRICT DEMANDS

included in Scope not included in Scope

WATER: Create a clean, vibrant Gowanus Canal by mandating a **net zero** increase in CSO.

Despite mention of an “eco neighborhood” in DCP’s Gowanus Framework released in June 2018, there are no zoning tools or funding commitments put forth to realize this goal beyond the waterfront action plan. Longstanding environmental injustices including indoor pollution in deteriorating public housing buildings; inadequate sewer and energy infrastructure; and urban heat island impacts must be addressed through NYC DCP’s plan. An EcoDistrict that has equity at its core, should establish specific targets to ensure no net increase in combined sewage overflows and flooding, improved local parks and outdoor space, reduction in GHG through smart design, support emergency preparedness and improve health by addressing mold, lead and asbestos in public housing. With the right leadership from the City, the unique challenges posed by one of the most polluted waterbodies and neighborhoods in the country could be the impetus for cultivating a groundbreaking green neighborhood.

OUTDOOR ENVIRONMENT: Create a comfortable and resilient public realm – including streets, parks & shore public walkways – that is pedestrian friendly and accessible to all residents, in alignment with the Gowanus Lowlands Master Plan.

HEALTH AND SOCIAL RESILIENCE: Provide critical improvements to indoor living conditions, social resilience, and health outcomes of vulnerable populations, particularly public housing residents.

ENERGY: Create sustainable and resilient energy infrastructure in Gowanus through local energy generation and emergency planning, for a **net zero** increase in carbon intensity and electricity demand.

Environmental Impact Assessment

- Perform a watershed drainage study to forecast increases in Combined Sewage Overflow (CSO) from increased density allowed under the Neighborhood Plan, as well as planned density in Downtown Brooklyn and Atlantic Yards, for all impacted CSO-sheds (RH-031, 33, 34, 35, 36, 37, 38 and OH-005, 06, 07).
- Fund a Clear the Crosswalk campaign for the larger Gowanus area including the IBZ, to identify areas of street flooding.

Zoning requirements for new buildings

- In new development over 4 FAR, require mitigation of anticipated daily water consumption by at least 50% through on-site CSO best management practices
- Require new development to include performance-based monitoring to allow impact tracking and ensure accountability for water storage assets exceeding a certain size.
- Require or provide incentives for new development to install site-appropriate right-of-way green infrastructure, including suspended pavement, wet swales and street end rain gardens, to manage a percentage of street stormwater along new frontages.

City Capital Investments

- Install high-performance green and grey infrastructure projects to completely mitigate any CSO created by higher density from Gowanus Neighborhood Plan.

Ongoing Funding

- Fund design and technical assistance for sewage and storm water management in new development.
- Fund ongoing local education and technical assistance for water conservation and storm water management by residents, businesses and property owners throughout the Gowanus Watershed.
- Maintain sewer main lines using preventative maintenance schedules that are shared with community stakeholders to stop sewer back-ups in 1st floor NYCHA apartments and neighborhood homes.

Zoning requirements for new buildings

throughout Special District

- Require all new development to achieve a minimum 20% vegetative cover by planting trees, installing green roofs, planters and/or adding vines to cover side walls of buildings.
- Require building massing that promotes airflow and ventilation and includes setbacks that reduce excessive shading of the streetscape, public space, and the Gowanus Canal. Require installation of areas of respite, such as benches, along streets adjacent to new buildings.
- Provide or facilitate ADA access to subway
- Develop parking maximums or eliminate on-site parking requirements.
- In new development over 4 FAR, require EV charging stations and reserved parking for EV and hybrid vehicles.

Shore Public Walkways

- Require or incentivize supplemental public space at bridge crossings and key corridors, and the construction and maintenance of publicly-owned street ends and street plazas as extensions of shore public walkways, allowing for an accessible and continuous public park along the Gowanus Canal.
- Invest in or incentivize private development of public space amenities including restrooms and water fountains that are accessible year-round

City Capital Investments

- Invest in the public realm improvements called out in the Gowanus Lowlands Master Plan, including parks, streets, streets ends, NYCHA campuses, MTA easements and other city owned parcels. Develop all plans with continued public input.

Ongoing Funding

- Facilitate and fund sustainable maintenance of City-owned green infrastructure, parks and public space.
- Bring back the B71 bus.
- Fund a waste reduction and vermin control plan and implementation during construction and into the future.

Environmental Impact Assessment

- Perform a combined Racial Equity Impact Assessment and a Community Health Needs Assessment in local public housing campuses.

Zoning requirements for new buildings

- Incentivize programmed spaces throughout the shore public walkway and supplemental public access areas to encourage active and community engaging uses such as playgrounds, public art, boat launches, and active recreation.

City Capital Investments

- Remove all lead paint and mold from NYCHA apartments using proper protocol, health safeguards and resident education and
- Re-open the Gowanus Houses Community Center before ULURP begins
- Invest in expansion of existing Gowanus Community Wi-Fi mesh network to entire Gowanus neighborhood, by providing universal free wireless and a forum for communication during power outages
- Fund and preserve local public housing, either by dedicating significant portions of the Neighborhood Development Fund to capital repairs or implementing a zoning tool that recaptures some of the increase property values and invests these fund into NYCHA

Ongoing Funding

- Fund community development of a Community Emergency preparedness plan.
- Fund measures to address health and racial equity issues identified in studies above.
- Expand Buddy programs to Gowanus
- Fund Backhaul/maintenance for Wi-Fi mesh.
- Implement public housing “know your rights” protections and modernization and repair trainings in NYCHA so residents are aware of what their rights are with regards to repairs

Environmental Impact Assessment

- Provide impact assessment of real cost, climate and environmental impact from rezoning

Zoning requirements for new buildings

- In new development over 4 FAR, require integration of 50% of projected electricity usage (load) to be offset with local energy capacity and/or net reductions in energy use on-site or within the district.
- Require district buildings be built with electricity service infrastructure that enables on-site energy generation, bi-directional grid-integration for demand relief.
- Require efficient fixtures for city projects, including solar powered street lights

City Capital Investments

- Install new solar and/or battery storage on all publicly owned or financed projects
- Prioritize and fund building requirements, operations and projects which reduce district energy use below rate-based benchmarks.

Ongoing Funding

- Fund ongoing education and technical assistance for resilient energy infrastructure.
- Designate Gowanus a priority PACE district to fund clean and efficient energy investments.
- Appoint a local CBO as PACE administrator for District energy investment servicing.
- 2x increase and 2 year acceleration of property tax abatements for District energy investments.