

From: [Adine Schuman](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] Testimony -- DENY application of the GATTO Trust to rezone 9th Street (2-3 Aves, BK)
Date: Thursday, September 22, 2022 8:48:08 AM

I am a homeowner in Gowanus and I strongly urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between Second and Third Avenues in Brooklyn. If the Gatto Trust does not make significant modifications, I believe the plan that has been shared will harm the neighborhood, displace low-income people living there now, and set a precedent that will negatively affect the neighborhood.

Our community welcomes change and we support affordable housing. I support community involvement in the rezoning process, and require that the applicant address our concerns related to: 1) a net loss of affordable housing, especially for long-time residents of 9th Street, 2) negative environmental impacts of development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

This is not just about an empty lot. The rezoning of the block would result in the displacement of dozens of current residents, many of whom are multi-generation families in rent stabilized units. I support an increase of affordable housing to our area. However, the current proposal does not guarantee an increase in affordable housing, and could result in a net loss of affordable units in the proposal area, and other blocks nearby.

The proposal area is also in a flood zone. Residents and businesses in the area consistently suffer significant damage from rain events. Before making a commitment to add residential units to the proposal area, the City needs to improve flood zone infrastructure. Just last week a single downpour led to many flooded basements and streets in the area of the proposed rezoning.

The current proposal does not include lots within the boundaries of the Gowanus Industrial Business Zone, but it threatens the integrity of the IBZ. The New York City Department of City Planning adopted a Vision Plan in May 2021 to protect the IBZ. This proposal does not follow the vision plan. The IBZ Vision Plan would result in an increase in residential units on 9th

Street, but without the same threat to existing residents, the environment, or the IBZ.

Viable and sustainable rezoning of any community requires a comprehensive plan. At this time, the City Council should deny the current application, unless all of our concerns are addressed through modifications of the proposal.

Thank you for this opportunity to express my request to deny this proposal and ensure community input.

Thank you.

Adine Schuman-Pusey



Co-president, 8th Street Block Association (between 3-4 Avenues)

From: [Anna Fikhman](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] RE: 9TH STREET REZONING - TESTIMONY
Date: Tuesday, September 20, 2022 7:58:57 PM

Hello All,

As a resident of Gowanus (169 9th Street), I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood

zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to “greening” and “bluing” any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area’s unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Anna Fikhman
169 9th Street, apt 3B
Brooklyn, NY 11215

From: [Anne-Marie Weaver](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] Written Testimony for Landuse Subcommittee
Date: Wednesday, September 21, 2022 4:10:35 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@oti.nyc.gov as an attachment (Click the More button, then forward as attachment).

Hello - I am unable to be at the hearing, but I'd like to share my community input:

As a resident of Gowanus, I urge the City Council to **DENY** the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

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I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Best,
Anne Weaver
Gowanus resident on 7th St.

From: [Benjamin Heyman](#)
To: [Land Use Testimony](#)
Cc: [Perez, Mia](#)
Subject: [EXTERNAL] Ninth Street Rezoning
Date: Thursday, September 22, 2022 2:03:06 PM

Hello,

My name is Benjamin, I was a resident of this area for two years up until a month ago. I support the rezoning. Adding parking to this area is absurd. Expecting developers to not build something we explicitly zoned for is absurd, especially when you have the ability and opportunity to change it.

Additionally, the idea that the hearing conducted this afternoon would be anything close to representative is absurd. This process amplifies the voices of a few negative opinions over the myriad of people who would be positively impacted but do not have the time, resources, or knowledge to come out and testify at every single rezoning hearing.

I urge Councilmember Hanif and the members of the land use committee to support this, and all other projects like it, which aim to increase our stock of both market rate and affordable units, decreasing market pressure on rents and providing homes to people who may otherwise find themselves in less environmentally, socially, and economically friendly cities, states, and countries.

Thank you,
Benjamin

To the City Council,

Sept. 21, 2022

Most of you have probably not visited the Brooklyn block in question. But, I am here to tell you some of the specific logistical and practical reasons why it is not the right place for high density residential development that may not be really clear to you.

The developers pushing this project do not want you to think about the physical and environmental reality that exists in the chosen location and the negative impact that their development would have. In fact, they are aware of these and other problems, yet they have not adopted any suggestions to improve upon their plan.

First: In the surrounding area, higher density tall buildings are ONLY being built on 3rd and 4th avenues, which are wide blocks.

- 3rd Ave. at 9th Street is 55 feet wide. 4th Avenue is even wider, with two additional traffic lanes.

Streets, which are narrow, have zoning limits for modest, low-density buildings in this area.

- 9th Street at the Gatto location is 34 feet wide. My block, on 8th Street around the corner, is 30 feet wide.

The Gatto property is not on 3rd or 4th Avenue. Accordingly, any building there should be limited to the contextual modest scale allowed for streets.

In comparison, other blocks of 9th street going up the hill are wider than 9th Street below 3rd Avenue. The next block up 9th Street is 66 feet wide (more like an avenue), in contrast to the 34 feet wide on the Gatto block. Nevertheless, the two buildings currently being built on that block are being held to this lower density standard:

- 217 9th Street has a permit for a 6 story building, and
- 197 9th Street will be a 4 story public school building.

It is important to note that even a building of such public benefit as a school building is being kept to the contextual height.

Also, it is important to point out: because the Gatto block is narrower than the streets feeding into it, it is a pinch point, made very challenging because 9th Street is the truck and ambulance route for Park Slope.

Second: It is important to mention, the homes on 8th Street -- the other side of block that Gatto is trying to rezone, the ones that will be burdened and shadowed by this proposed high rise -- are subject to such extreme zoning limits that owners are not allowed to make any modifications to their home, they can't even build a deck or a garden shed. And yet, one of Mr. Gatto's properties sits on that block, and somehow it is being accessed for FAR in this rezoning proposal, despite the limitations that are placed on his 8th Street neighbors. This is BEYOND UNFAIR, and Mr. Gatto should not be allowed to benefit so immensely to the detriment of the neighbors who are hamstrung by the same zoning rules he wants to amend FOR JUST HIMSELF.

Third: This block and the immediate vicinity flood regularly, from combined sewage/rainwater runoff. The groundwater resides right below the surface, which pushes up as the surface as the ground gets saturated. These problems are increasing with every high density tall building built on the avenue. In Hurricane Sandy and Hurricane Ida last year, the water at the intersection of 2nd Ave and 9th Street (where the Gatto property is located) was rushing so fast and so deep that you could not walk on the sidewalk. A couple times a year, including last week, the sewer at 2nd Ave. and 7th Street overflows into the street, routinely blowing the sewer lid right off due to the intensity of the sewage and rainwater flowing toward the Gowanus.

Fourth: Finally, this neighborhood is about to experience massive new building development – including the Gowanus Green and other massive structures. We have not yet seen the impact these developments (thousands of new units of housing) will have on the neighborhood. It makes no sense to approve spot rezoning in the face of (and counter to) such carefully planned change. The City has not created the infrastructure to support the Gatto project, and it was this failure, among others, that led former Councilmember Lander to oppose the Gatto project. Of course, cynically, the developer waited until Lander left office before presenting it to you today.

CB6's Land Use Committee voted against this project, and the City Council's Land Use Committee should do the same.

Sincerely,

Beth Morrow

Owner, [REDACTED]

Resident, [REDACTED]

Brian B.A. McAllister
Eighth Street
Brooklyn, NY 11215
(917) 971-1505

September 21, 2022

By hand

New York City Council
250 Broadway, Suite 1880
New York, NY 10007

By email

landusetestimony@council.nyc.gov
testimony@council.nyc.gov
District39@council.nyc.gov
Infobkcb6@gmail.com
AskReynoso@brooklynbp.nyc.gov
District39@council.nyc.gov

Re: Ninth Street Rezoning ULURP Application, Brooklyn, NY
CEQR Ref. 22DCP091K
ULURP Ref. C210348ZMK, N210349ZRK, C210350ZSK
Angelina Gatto Trust Nine Story Tower
153, 155, and 157 Ninth Street, Block 1002, Lots 48, 49, 50.
And 124 Eighth Street.

To the City Council,

My family and I are owners and residents at : Eighth Street and tenants at Second Avenue in Brooklyn, NY 11215. I oppose rezoning of the properties immediately to the east and south of our land to allow construction of a nine story tower in a neighborhood mostly restricted to two, three, or four story buildings.

To begin, any modification of current zoning should be part of a community-driven ULURP that conforms to the May 2021 Gowanus Industrial Business Zone Vision Plan created by the Department of City Planning. The neighborhood is asking for a pre-application meeting with the Department of City Planning. This community-driven ULURP will provide for sustainable zoning that supports industrial/creative space AND real affordable housing. New developments should fit within the contextual modest scale of the area. Rezoning should support the needs of the whole block, in fact the whole Gowanus, rather than just a single owner.

The Gatto proposal has received contradictory review across City review bodies. This, alone, shows that the proposal is seriously flawed and inconsistent with the needs of the neighborhood:

- CB6 Land Use Committee voted against the proposal.
- CB6 voted in favor of the proposal with some conditions.
- BBP voted in favor of the proposal with a different set of conditions.
- CPC approved the proposal with no conditions.

At its heart, the Gatto proposal calls for spot-rezoning that would massively undermine the future of manufacturing, creative and industrial opportunities in the surrounding Gowanus. If the Gatto proposal were approved, it would incentivize piecemeal and incremental development that erodes the important planning already done and approved by the Department of City Planning.

Furthermore, a number of the arguments made in favor of the rezoning are not well founded.

- 1). The Gatto developers have claimed that the rezoning is the product of community input, but it has not been. In fact, the Gatto developers failed to get community input until the Councilmember got involved. As was noted by Ginia Bellafante in the September 2 New York Times, hundreds of community members have petitioned against the development. And the developers have not adopted the recommendations made in the approval process to date.
- 2). The rezoning will result in a net reduction in affordable housing. According to the 2020 HCR Rent Guidelines Board Registration File, 169 Ninth Street and 147 Ninth Street are rent stabilized. Rezoning these properties and the properties around them will ultimately cause them to be replaced with luxury condominiums with no adequate replacement.
- 3). The developers have denied that their project would have a negative environmental impact on the neighborhood. As has been exhaustively detailed in the Planet A. Strategies Review of the Environmental Assessment Statement and Negative Declaration filed with the City Planning Commission on August 31, 2022, the project will in fact have significant adverse environmental impact in an area that is already in non-compliance with sewer, air pollution, storm water management, and other environmental regulations.
- 4). The developers have failed to adopt any of the Borough President, CB6, or neighbor recommendations to improve the project.

Given the City Council's interest in affordable housing, it is important to note that the proposed rezoning will ultimately reduce affordable housing on the block and make it harder to

build affordable housing in the future. Admittedly, the developers have proposed some affordable units on property that is currently used for parking. However, the proposal will also rezone a number of buildings (11 homes with at least 43 dwelling units) that currently provide affordable housing, with listings under \$2,200 per month rent. Two of the homes in the rezoned area include rent-stabilized units. The end result will be displacement of an affordable community and replacement with luxury high rises.

Finally, it is undeniable that the density and scale of the Gatto project would exacerbate environmental pressures in the Gowanus. My family's property will be deprived of sunlight and ventilation, and burdened by the development's externalities to our detriment. The sewer infrastructure in the neighborhood already backs up and is inadequate to handle sewage from 48 additional residential units in the proposed Gatto building, let alone from the potentially large number of additional new residential units from neighboring properties that would be allowed through the rezoning. On this block, the water table is right under the surface. The past 10 years have shown that each major new residential development displaces storm water, further overwhelms the sewers, and exacerbates flooding in the surrounding area. The latest sewer overload and flood happened just last week, on September 13th.

We urge the City Council to vote "no" on the 9th Street rezoning proposed by the Gatto Trust and instead work with DCP to implement its Gowanus IBZ Vision Plan through a community-driven ULURP process.

Thank you for hearing our concerns,

Very truly yours,



Brian McAllister

From: [Brooklyn Industrial Buildings](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Better planning for better solutions
Date: Thursday, September 22, 2022 1:58:46 PM

Esteemed city council members

My name is Paul Basile president and founder of Gowanus Alliance, property owner, business owner and community board member.

As leaders and policy makers, your actions here today will have consequences to a vulnerable group in this community.

Our manufacturing members are struggling to grow and remain vital job and services providers.

The remaining manufacturing area in which this project exists was promised many things during the previous massive loss of manufacturing area with the DeBlasio Gowanus Rezoning.

We appreciated the outreach and communication with then Councilperson Brad Lander who held a strong promise to help find a plan for the remaining area.

From that discussion with many stakeholders, the Gowanus Alliance helped develop the IBZ vision plan, which despite its name, included all areas surrounding the IBZ including the area in this application

We are grateful to our current council person Shahana Hanif for her continued outreach and her promise to help us find balance and sustainable growth.

Unfortunately this application does not support the vision plan, Nor the needs of our community.

We believe the disparity in the recommendations from the community board, after it's land use committee disapproved this application and with the Borough presidents conditional approval speaks volumes to the problems this application currently presents and unless revisions are made that make a future plan viable, future conflicts will be inevitable.

It's out of scale density does not solve the affordable housing crisis, but rather further increases the conflict of uses that our manufacturing and industrial community endure

This is a pivotal development in the future of manufacturing in our city. It's proximity to the IBZ and it's direct negative impacts on the last active truck route on our northern border demands future discussion and the need to look at the entire area for viability of the areas job creators.

We recognize the need for growth, however this project ignores its neighbors and the larger community.

We ask that this application be disapproved as presented and our leaders seek to find a plan that gives everyone a vision for a sustainable, affordable, working future.

Inconsistent policy and over protections without better planning, such as this development are what destroyed the lives of thousands of yellow taxi cab drivers and their families.

The city will not be able to pick up the pieces of the thousands of workers and their families if Land use rules are cherry picked to produce a financial windfall for one property owner. Gowanus businesses are on trend to create record number of jobs, despite CoViD, despite inflation and despite the cities relentless efforts to shrink its borders. This application as

presented will reverse that trend and create a new wave of speculation throughout the remaining area.

Affordability is more than building, it's incentivizing jobs, it's recognizing environmental deficiencies and it's looking at a community through Lenses of leadership, that see equity and quality of life for the larger community and its future.

Please keep in mind the applicant team has not provided plans with respect to apt sizes or offered higher affordability levels.

Thank you on behalf of Gowanus Alliance members

Sent from my iPhone

From: [Cassidy Thompson](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] Testimony in Opposition of the Gatto Trust Rezoning.
Date: Wednesday, September 28, 2022 9:06:00 PM

I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are

multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to “greening” and “bluing” any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

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order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Sincerely,
Cassidy

From: [CSimmons](#)
To: [Land Use Testimony](#); [District39](#); [Testimony](#)
Subject: [EXTERNAL] Gowanus 9th Street Rezoning
Date: Wednesday, September 21, 2022 8:28:01 PM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. Instead, please support community involvement in the rezoning process, and require that the applicant address our concerns related to: 1) a net loss of affordable housing, especially for long-time residents of 9th Street, 2) negative environmental impacts of development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

While the focus of the proposal seems to be an empty lot, the rezoning of the block would result in the displacement of dozens of current residents, many of whom are multi-generation families in rent stabilized units. I support an increase of affordable housing to our area. However, the current proposal does not guarantee an increase in affordable housing, and could result in a net loss of affordable units in the proposal area, and other blocks nearby.

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Viable and sustainable rezoning of any community requires a comprehensive plan. At this time, the City Council should deny the current application, unless all of our concerns are addressed through modifications of the proposal.

Cynthia Simmons

From: [Danielle Knappenberger](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Gowanus rezoning
Date: Tuesday, September 20, 2022 8:04:51 PM

As a resident of Gowanus , I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

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I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an

Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Have a nice day!

From: [Debbie Stoller](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Cc: 9thstreetrezoning@gmail.com
Subject: [EXTERNAL] Email Testimony on 9th St Rezone, Brooklyn
Date: Thursday, September 22, 2022 5:48:41 PM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust

has committed to “greening” and “bluing” any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area’s unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Sincerely,

Debbie Stoller



Brooklyn NY

From: [Doris DeRosa](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Denial of the 9th street rezoning
Date: Thursday, September 22, 2022 7:37:45 PM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an

Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Doris DeRosa

Sent from my iPhone

From: [simplyedna \(null\)](#)
To: [District39](#); [Testimony](#); [Land Use Testimony](#)
Subject: [EXTERNAL] 9th Street Rezoning
Date: Tuesday, September 20, 2022 8:32:56 PM

As a resident of (Gowanus, Park Slope, Carroll Gardens, Brooklyn, or NYC, etc...), I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. Instead, please support community involvement in the rezoning process, and require that the applicant address our concerns related to: 1) a net loss of affordable housing, especially for long-time residents of 9th Street, 2) negative environmental impacts of development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

While the focus of the proposal seems to be an empty lot, the rezoning of the block would result in the displacement of dozens of current residents, many of whom are multi-generation families in rent stabilized units. I support an increase of affordable housing to our area. However, the current proposal does not guarantee an increase in affordable housing, and could result in a net loss of affordable units in the proposal area, and other blocks nearby.

The proposal area is also in a flood zone. Residents and businesses in the area consistently suffer significant damage from rain events. Before making a commitment to add residential units to the proposal area, the City needs to improve flood zone infrastructure.

The current proposal does not include lots within the boundaries of the Gowanus Industrial Business Zone, but it threatens the integrity of the IBZ. The New York City Department of City Planning adopted a Vision Plan in May 2021 to protect the IBZ. This proposal does not follow the vision plan. The IBZ Vision Plan would result in an increase in residential units on 9th Street, but without the same threat to existing residents, the environment, or the IBZ.

Viable and sustainable rezoning of any community requires a comprehensive plan. At this time, the City Council should deny the current application, unless all of our concerns are addressed through modifications of the proposal.

Edna Lee
Sent from my iPhone

From: [Frieda Lim](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] 9th Street Rezoning Application Testimony
Date: Thursday, September 22, 2022 2:56:40 PM



Pick Up Truck Sink Hole Eater 2021

Dear Council Members,

I had signed up to Zoom testify, but I had to get to an appointment and tried to hang on for as long as I could. My apologies.

Hi, I'm Frieda Lim, Co-President of 8th Street Block Association which I helped co-found in 2011. Our members reside in Gowanus primarily on 8th Street between 2nd and 3rd Avenues. We have also welcomed neighbors from 7th & 9th Streets & 3rd & 4th Avenues orphaned with no block association of their own. We have a list-serve of over 250 neighbors and a handful of non-email long standing residents we outreach directly.

Our goal is to strengthen our community with events that let us get to know each other,

communicate, and hold meetings to discuss common issues, bring new issues to light and address them collectively. Our block has actively outreached into our greater community to help solve our issues—consistent has been flooding, sewage and sinkholes, neighbors moving due to unaffordability, rat problems on our block which are due to greater issues at large. We have partnered with the Gowanus Canal Conservancy, partook in Bridging Gowanus, joined forces with the Gowanus Alliance and more.

Our 8th Street Block Association is a tight knit entity well known for its community building and activism. Yet we were not invited to be involved. What happens on 9th Street does affect us.

Because we represent a diverse block and we have invited everyone to weigh in on their own. I am not representing our members today. I introduced my affiliation because I have been long standing part of leadership and witness to our resident's concerns.

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. Instead, please support community involvement in the rezoning process, and require that the applicant address our concerns related to: 1) a net loss of affordable housing, especially for long-time residents of 9th Street, 2) negative environmental impacts of development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

While the focus of the proposal seems to be an empty lot, the rezoning of the block would result in the displacement of dozens of current residents, many of whom are multi-generation families in rent stabilized units. I support an increase of affordable housing to our area. We have seen too many great neighbors needing to move due unaffordable rents. However, the current proposal does not guarantee an increase in affordable housing, and could result in a net loss of affordable units in the proposal area, and other blocks nearby.

The proposal area is also in a flood zone. Residents and businesses in the area consistently suffer significant damage from rain events. Before making a commitment to add residential units to the proposal area, the City needs to improve flood zone infrastructure. Today, Gato's team I believe said that the new building may not contribute as much run-off as the current parking lot, but what about all the residents of the building contributing to the royal flush during an event?

The current proposal does not include lots within the boundaries of the Gowanus Industrial Business Zone, but it threatens the integrity of the IBZ. The New York City Department of City Planning adopted a Vision Plan in May 2021 to protect the IBZ. This proposal does not follow the vision plan. The IBZ Vision Plan would result in an increase in residential units on 9th Street, but without the same threat to existing residents, the environment, or the IBZ.

Viable and sustainable rezoning of any community requires a comprehensive plan. At this time, the City Council should deny the current application, unless all of our concerns are addressed through modifications of the proposal.

Thanks for your time and attention,
Frieda Lim

HILLER, PC

Attorneys at Law

641 Lexington Avenue, 29th Floor

New York, New York 10022

(212) 319-4000

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Facsimile: (212) 753-4530

September 23, 2022

Via Email: landusetestimony@council.nyc.gov

New York City Council
Committee on Land Use, and
Subcommittee on Zoning and Franchises
250 Broadway
New York, New York 10007

*Re: Ninth Street Rezoning ULURP Application, Brooklyn, New York
C210348ZMK, N210349ZRK, C210350ZSK*

Dear Council Members:

We represent residents of the Gowanus neighborhood of Brooklyn who live in close proximity to the area subject to the proposed actions in the above-referenced Ninth Street Rezoning Uniform Land Use Review Procedure (“ULURP”) Application (the “Application”), which is currently before the City Council. We submit the following testimony in opposition to the Application.

EXECUTIVE SUMMARY

As the Council is aware, the Application is a private rezoning and special permit application by a developer, the Angelina Gatto Trust (the “Developer”), who seeks to develop a mixed-use nine-story tower with 48 residential units and a ground floor commercial space (the “Proposed Project”) at the Developer’s property located at 153, 155 and 157 9th Street (Block 1002, Lots 48, 49, 50) in Gowanus, Brooklyn (the “Proposed Project Site”). The proposed actions in the Application include: (i) a zoning map amendment to rezone the Developer’s property at the Proposed Project Site, as well as a select few neighboring non-applicant-owned properties, mid-block on the north side of 9th Street, all between 2nd and 3rd Avenues (the “Proposed Rezoning Area”), from a M2-1 district to a M1-4/R7A Special Mixed Use (“MX”) district (the “Proposed Rezoning Plan”); (ii) a zoning text amendment to designate a Mandatory Inclusionary Housing (“MIH”) Area and establish the proposed MX district; and (iii) a special permit under the auspices of ZR §74-533 to waive required residential off-street parking at the Developer’s Proposed Project Site. In addition, the Application also contemplates the potential development of 163 and 167 9th Street (Block 1002, Lots 43 and 45) (the “Second Proposed Project”) within the Proposed Rezoning Area (the “Potential Development Site 2”).

Our clients, Beth Morrow and Brian McAllister, a married couple, are long-time residents of the neighborhood and the owners of two properties in the neighborhood, including a 3-story

residential building, as well as an adjacent garage currently used as an artist workshop, both of which abut the Proposed Rezoning Area and are directly behind the Proposed Project Site. Our clients, like many other members of the community, have separately submitted their personal written testimonies to the various bodies reviewing the Application throughout each stage of the ULURP process, including Brooklyn Community Board 6 (“CB6”), the Brooklyn Borough President, as well as the City Planning Commission (“CPC”). In fact, the Borough President noted that he received “*a record amount of written testimony in **opposition***” to the Application (Brooklyn Borough President Recommendation, July 13, 2022, at p.2) (emphasis added). Notably, the Land Use Committee of CB6 voted to reject the Application.

Indeed, many residents and business owners in the Gowanus community have numerous objections to the Developer’s Application and its request to arbitrarily rezone a few select properties on one side of a singular block in the neighborhood (the “Proposed Rezoning Plan”). While cloaked in the guise of affordable housing, the Application only promises approximately 12 such units, while it would result in *triple the amount of market-rate units*.

Below we address some of the community’s principal objections to the Application, including that it:

- proposes a significant and detrimental change in zoning, which would threaten to displace long-time residents and businesses, without providing significant affordable housing, and thus setting bad precedent for additional residential “upzonings” in the neighborhood (Point I, *infra*);¹
- is not only inconsistent with the existing zoning conditions, it is contrary to the goals of the Southwest Brooklyn Industrial Business Zone in Gowanus (“IBZ”) and the City’s “Vision Plan” for the neighborhood (Point II, *infra*);
- would have significant adverse effects on the environment, and thus, under applicable environmental law, an environmental impact statement (“EIS”) must be prepared to properly and thoroughly analyze such impacts, as more thoroughly discussed in the **expert environmental report by Maureen T. Koetz, annexed as Exhibit 1 hereto** (Point III, *infra*);² and
- would constitute spot-zoning, as it is *ad hoc* in nature, fails to comply with the City’s zoning plan, and would benefit one Developer, to the detriment of the community at-large (Point IV, *infra*).

¹“Upzoning” refers to a change in zoning classification from less intensive to more intensive (e.g., an increase from single family to multiple residential use, additional bulk, or greater maximum height). See Richard W. Bartke & John S. Lamb, *Upzoning, Public Policy, and Fairness--A Study and Proposal*, 17 WM. & MARY L. REV. 701, 702 n.10 (1976).

²Ms. Koetz’s *curriculum vitae* (“CV”) is annexed as Exhibit 2 hereto.

Unfortunately, community members were not aware of the CPC public hearing on this Application in July because they did not receive advanced notice of it. CB6 did not inform the community that the public hearing was scheduled. Indeed, when community members inquired, CB6's leadership informed them that the Board had also not received any prior notice about it (CB6 Email Correspondence, July 28, 2022, annexed as Exhibits 3-4 hereto).³ The CPC fails to address this lack of notice in its decision, despite our complaints. Although the community did not receive notice of the CPC hearing, many community members testified in opposition to the Application at the public hearings held by CB6 and the Borough President's Office earlier in the ULURP process.⁴

DISCUSSION

I. THE PROPOSED SIGNIFICANT ZONING CHANGE WOULD BE DETRIMENTAL TO THE COMMUNITY BECAUSE IT WOULD DISPLACE CURRENT RESIDENTS AND BUSINESSES IN THE NEIGHBORHOOD

The Proposed Rezoning Plan should be rejected because it would represent a significant change in zoning classification that would harm, rather than benefit, the local community. Currently, the entire area encompassed by the Developer's Proposed Rezoning Area has a zoning classification of M2-1, "which does not permit residential or community facility uses" (Developer's Environmental Assessment Statement ("EAS") at p.C-5 and Figure C-3), and which "allows a maximum floor area ratio (FAR) for 2.0 for commercial and manufacturing/industrial uses" (*Id.* at pp. C-5 – C-6).⁵ While there are several non-conforming residential buildings in the Area, these consist of *low-density* buildings with an FAR of approximately only 1.0 or less (with a maximum of 2.21), and that are mostly 1-3 stories tall (with one 4-story building as the maximum) (EAS at p. A-3). More broadly, the current zoning in the surrounding area of the neighborhood (encompassing a 400-foot radius around the Proposed Rezoning Area) is also mostly M2-1 and "consist[s] of manufacturing, residential and commercial districts" (*Id.* at p. C-6).⁶

³The CB6 District Manager incorrectly states in his emails that notice to the Community Board is not required. As counsel for the Department of City Planning ("DCP") has acknowledged, such notice is in fact required by law.

⁴*See, e.g.*, Brooklyn Borough President Hearing, June 14, 2022, <https://www.youtube.com/watch?v=IWCmgEKr3G0>.

⁵"M2 zoning denotes a medium-performance manufacturing district, which occupies the middle ground between light and heavy manufacturing/industrial areas" and such "districts are subject to parking requirements based on the type of use and size of an establishment. M2-1 zoning allows a maximum front wall of 60 feet" (EAS at pp. C-5 – C-6).

⁶There are some R6A and R6B contextual residential districts mapped to the east of Third Avenue. R6A has a maximum FAR of 3.6, and a maximum building height of 70 feet, while R6B has a maximum FAR of 2.2, and a maximum building height of 50 feet (EAS at p. C-6). C2-4 commercial overlays are also mapped along the east side of Third Avenue (EAS at p. C-6, Figure C-3 and Table C-2).

By stark contrast to the existing low-density zoning in the neighborhood, “[t]he proposed MX (M1-4/R7A) zoning district would permit residential FAR of as much as 4.6” as well as “community facilities up to 6.5 FAR” (EAS at p. C-12). In other words, the existing zoning in the Proposed Rezoning Area would change from a classification that does not permit any residential buildings as-of-right (and includes low-density non-conforming buildings that are mostly FAR 1.0 and no greater than FAR 2.21), to one that would suddenly permit high-density residential buildings of 4.6 FAR and community facilities of 6.5 FAR, with permitted heights of as much as 95 feet (*Id.*). Further, the parking requirement which would normally be mandatory for the proposed MX district would be waived, but solely for the Developer’s own Proposed Project Site (*Id.* at pp. C-12 – C-13).

A rendering of the Proposed Project and the Second Proposed Project (which does not even include any other future developments that would be allowable if the Application were approved), demonstrates just how different, inappropriate and out of place the new, high-density residential buildings would be if the proposed upzoning were approved:



See EAS, Figure G-6.

Further, the community benefit here, relative to the economic windfall to be received by the Developer, is meager at best. The Proposed Rezoning Plan would very likely result in the flood of redevelopment, which would destroy the neighborhood’s character and threaten to displace current residents and businesses in the area. As noted, most of the existing properties in the Proposed Rezoning Area are low-density (mostly 1 to 3-story) residential buildings, consisting of single and multi-family homes (up to 8 units) (EAS at p.A-3); and many of the units in these buildings are rented out by the owners to long-time tenants (with at least two buildings being rent-regulated). But all of this would inevitably change if the Application were approved.

With the proposed upzoning, the current or future property owners (including the wealthy developers who would be likely to purchase the properties) would be highly motivated to demolish the existing properties and replace them with new, high-density luxury residential buildings, with significantly more units – the vast majority of which could be rented out or sold at market rates. If this were to occur, what would happen to the current tenants? They would surely be displaced by

the new market-rate occupants.⁷ As for the potential displacement of jobs and businesses, the Brooklyn Borough President recently acknowledged:

It has been shown that the steady conversion of M-zoned properties to residential use increases development pressures on IBZs, which are not codified in the ZR. **Prior rezonings across Brooklyn have shown that residential rezonings tend to push out not only industrial uses but the workers the[y] employ, who often come from low-income communities of color.**⁸

In fact, we already know that, in addition to the Proposed Project, the Application also contemplates the Second Proposed Project at Proposed Development Site 2. This Site is currently comprised of “a 7,500-sf rectangular-shaped site currently occupied by a single-story, approximately 5,000 sf light industrial warehouse (Lot 43) and a two-story single-family home (Lot 45) with a combined FAR of 0.80,” but would be “allowable 4.6 FAR” if the Proposed Rezoning Plan were approved (EAS at p. A-10). According to the EAS, it is expected that Proposed Development Site 2 “would be redeveloped to the maximum permitted FAR of 4.6, with a maximum building height of 95 feet including qualifying ground floor” (*Id.* at p.A-10 and Figure A-4). Consequently, “the existing structures...would be demolished” (*Id.* at p.A-10 and Table A-4) (emphasis added). For this Second Proposed Project, it is expected that there would be 28 market-rate luxury units (*Id.* at pp.A-10-11).⁹ In turn, the current occupants at these properties, including the single family home, would undoubtedly be displaced to make way for this new redevelopment.

And there can be no doubt that the residential rezonings and “upzonings” would not end with the Proposed Rezoning Area. Rather, it would be just the beginning. Developers are now salivating at the potential opportunity to redevelop the rest of Gowanus for even more high-density residential use, just as the Developer is proposing with the instant Application. Thus, if this Application were approved, it would represent a slippery slope toward many more targeted rezonings (and “upzonings”) for the benefit of developers, instead of the community, resulting in developments that would threaten to change the entire character of the neighborhood.

Indeed, the Proposed Rezoning Plan cannot be considered in a vacuum. As the Council is well aware, last year the City approved the nearby massive public Gowanus neighborhood rezoning plan (the “Gowanus Neighborhood Plan”), which will lead to an extremely heavy increase in residential use in the area, including over 9,300 apartments (including approximately 3,000

⁷In the EAS, the Developer wrongly assumes that, based upon current conditions, the other properties in the Proposed Rezoning Area are unlikely to be redeveloped. However, the EAS does not consider that wealthy developers could purchase multiple properties from the existing owners and merge the lots before demolishing the existing buildings and replacing them with new, high-density residential buildings.

⁸Borough President Recommendation at p.2 (emphasis added).

⁹There would be 37 dwelling units for this development, only nine of which are expected to be considered as affordable housing (*Id.* at pp.A-10-11).

affordable housing units) over a span of 82 blocks. In addition, there is yet another proposed M1-4/R7A rezoning at Union Street and 3rd Avenue, approximately a half-mile from the Proposed Rezoning Area. As the Brooklyn Borough President recently stated, over the last several months alone, his office “has seen multiple requests to rezone from manufacturing to residential use in South Brooklyn” (Borough President Recommendation at p.2) (emphasis added). Thus, the Proposed Rezoning Plan, if it were approved, would establish bad precedent for more residential rezoning and upzoning in and around the IBZ.¹⁰

While the Developer purports to act under the guise of supposedly providing affordable housing (which, by itself, is a noble objective), it must be made clear that, in this case, the very limited number of affordable housing units being offered (which is far less than the number of market-rate units) would come at the expense of displacing current long-term tenants, who would suddenly no longer be able to continue living or working in the redeveloped properties. Furthermore, the affordable housing being offered as part of the Proposed Project in the Application is so minimal that it is a drop in the bucket of Citywide housing needs. All totaled, the Proposed Rezoning Plan does not guarantee any more than approximately 12 affordable housing units. Similarly, the contemplated redevelopment at Proposed Development Site 2 only offers nine (9) affordable housing units (*Id.* at pp.A-10-11). By contrast, approximately 3,000 affordable housing units have been promised through the Gowanus Neighborhood Plan approved by the City last year.¹¹

Meanwhile, the Developer stands to generate millions in profits. Simply put – if the City intends to consider such a significant reclassification of the area for the benefit of one developer, the community should at least have the assurance that it would be guaranteed to receive much more than a mere 12 affordable housing units.¹²

Thus, approving a new plan to provide only minimal units of affordable housing, at the expense of displacing current residents, would be absurd and would constitute bad public policy.

¹⁰In fact, public records confirm that members of the Gatto family – the family associated with the Developer making the instant Application – owns the nearby property at 150 9th Street, which is directly across the street from (and on the same block as) the Proposed Rezoning Area. If the Developer were to succeed with the current Application, it is very likely that the Developer would continue to attempt additional rezoning and redevelopment plans on the very same block.

¹¹Unfortunately, the Developer has opted for MIH Option 1, which means that only 25 percent of the residential floor area at an average of 60 percent of the Average Median Income (“AMI”). While the CPC stated that it was “pleased” that the Developer was considering modifying this option, the CPC did not require any modifications when approving the Application.

¹²To be clear, opponents of the Application are not opposed to the creation of affordable housing units; however, any benefit of the minimal amount of affordable housing units that the Application proposes is far outweighed by both: (i) the significant harms to the community that the Proposed Rezoning Plan would cause, and (ii) the disproportionate economic windfall that would be received by the Developer.

II. THE PROPOSED REZONING PLAN IS INCONSISTENT WITH THE GOALS OF THE SURROUNDING IBZ AND THE CITY’S “VISION PLAN” FOR GOWANUS

The Proposed Rezoning Plan should also be rejected because it is also contrary to the goals of the Gowanus portion of the IBZ and the May 2021 Vision Plan for the Gowanus IBZ (the “Vision Plan”), as was put forward by the City through the DCP. The Proposed Rezoning Area abuts, and is on the immediate edge of, the IBZ (*see* EAS at Figure C-5); and notably, in 2008, DCP specifically included the Proposed Rezoning Area, along with the area inside the IBZ, as carved-out sections of the neighborhood *to be maintained as manufacturing districts* (Excerpt of Gowanus Canal Corridor Rezoning Study, annexed as Exhibit 5 hereto). Indeed, as DCP’s study demonstrates, these particular manufacturing districts are in sharp contrast to other areas to the north of the IBZ which have the potential for new mixed-use, including residential use (*Id.*).

Moreover, the Vision Plan was “intended to serve as a guide for future development, infrastructure improvements, and policy.” DCP specifically studied the area immediately surrounding the Gowanus IBZ, including the Proposed Rezoning Area, because “the City recognizes it as a *vital center of industrial and commercial employment*” (Vision Plan at pp. 5, 7, excerpts annexed as Exhibit 6 hereto) (emphasis added). As the Vision Plan makes clear, “[t]he main objectives of this study [were] to create a land use framework and identify infrastructure and workforce development priorities that can *support business growth* and reinforce the area as a 21st century *jobs hub for industrial and commercial uses*” (*Id.*) (emphasis added). Thus, major residential upzoning, as is proposed in the Application, would clearly be contrary to the goals of the Vision Plan.

While there are residential clusters on the mid-blocks off of 3rd Avenue, south of 7th Street, including the Proposed Rezoning Area, the Vision Plan makes clear that the City’s goal is *not* to permit these clusters to be upzoned into high-density redevelopments. *See id.* at p.35. Quite to the contrary, the City made clear that its stated goal was to “[s]upport continued residential use in mid-block residential clusters *at an appropriate scale*” (*Id.* at p.39) (emphasis added). The Vision Plan thus expressly recommended as follows for this specific area:

Residential buildings located along 3rd Avenue and within the mid-blocks between 2nd and 3rd avenues are well-established and likely to continue to remain. As such, *the framework recommends that these clusters be brought into conformance and that zoning aligns to match existing conditions*. Further, where there are clusters of residential uses along 3rd Avenue and 9th Street, it may be appropriate to consider *modest* increases in density to reinforce these mixed-use corridors.

(*Id.*) (emphasis added).

Here, the Proposed Rezoning Plan – which calls for high-density residential upzoning – is grossly inconsistent with the City’s Vision Plan because, *inter alia*, the proposal: (i) would *not* support business growth and reinforce the area as a “jobs hub” for industrial and commercial uses; (ii) would *not* “align to match existing conditions” – in fact, it would be largely *inconsistent* with

existing conditions; (iii) would *not* support residential use “at an appropriate scale;” and (iv) would *not* lead to “modest” increases in density to reinforce mixed-use corridors. *See supra*, Point I. The CPC wrongly failed to recognize any of this in its decision.

As discussed above, the Proposed Rezoning Plan would change the *status quo* from mostly 1-3 story family homes with an FAR of approximately 1.0 (where no residential buildings are permitted as-of-right), to an entirely new zoning that would permit high-density residential apartment buildings that are nine stories, and with an FAR of 4.6. In fact, the and 95-foot tall Proposed Project would tower over the existing low-density residential clusters. *See* EAS, Figure G-6 and *supra*, page 4. In contravention of the Vision Plan, such changes proposed by the Application, if implemented, could not possibly be described as “matching existing conditions,” a “modest increase in density,” or “appropriate in scale.”

Further, because of the Application’s lopsided focus on residential uses (*i.e.*, the Proposed Project’s 9-story tower) rather than on industrial or commercial uses, the Proposed Rezoning Plan would fail to support business growth and would threaten to eliminate existing businesses and jobs. It bears repeating that “[p]rior rezonings across Brooklyn have shown that residential rezonings tend to push out not only industrial uses but the workers the[y] employ, who often come from low-income communities of color” (Borough President Recommendation at p.2) (emphasis added). *See supra*, Point I.

For these reasons, the City Council should disapprove this Application which proposes a rezoning that would be so blatantly inconsistent with the existing zoning and the stated goals of the IBZ and Vision Plan.

III. AN ENVIRONMENTAL IMPACT STATEMENT MUST BE PREPARED, AS THE PROPOSED REZONING PLAN WOULD CAUSE SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS

The New York State Environmental Quality Review Act (“SEQRA”) sets a low bar for preparation of an Environmental Impact Statement (EIS). Specifically, SEQRA “mandates the preparation of an [EIS] when a proposed development project ‘*may* have a significant effect on the environment.’”¹³ By its use of the term “may” in the operative provisions of SEQRA, the State Legislature made clear that the mere possibility of a potential adverse environmental impact is itself sufficient to trigger the required preparation of an EIS. In other words, it does not take much to identify a “significant effect,” as “[t]here is a low threshold for impact statements.”¹⁴ “Literal compliance with both the letter and spirit of SEQRA, and not mere substantial compliance is

¹³*Farrington Close Condominium Bd. of Managers v. Incorporated Vill. of Southampton*, 205 A.D.2d 623, 624 (2d Dep’t. 1994) (citing N.Y. ECL §8-0109(2)).

¹⁴*Id.*

required.”¹⁵ When a city or town determines that there will be no significant environmental effects and issues a negative declaration which sets forth such a determination, the municipal entity must be able to demonstrate that it made a “‘reasoned elaboration’ as to the basis for its determination” and that it “took a ‘hard look’ at the relevant areas of environmental concern.”¹⁶

Further, “[i]t is impermissible under SEQRA to ‘segment’ the environmental review of a proposed action.”¹⁷ Segmentation is defined as “the division of the environmental review of an action such that various activities or stages are addressed as though they were independent, unrelated activities, needing individual determinations of significance.” See 6 N.Y.C.R.R. §617.2(ah). Thus, “[f]or the purpose of determining whether an action will cause a significant effect on the environment, the reviewing agency must consider reasonably related long-term, short-term and cumulative effects, including other simultaneous or subsequent actions which are included in any long-range plan of which the action under consideration is a part.”¹⁸

With respect to the analysis of the environmental effects of the Proposed Rezoning Plan and compliance with applicable environmental laws, we rely upon, and incorporate herein by reference, the annexed report by environmental expert Maureen T. Koetz (the “Expert Environmental Report,” Ex. 1).¹⁹ As set forth in more detail in the Expert Environmental Report, the lead agency for the Application erred by issuing a Negative Declaration, and by not requiring an EIS to be prepared (*Id.* at pp. 3-4, 10-14). The lead agency, DCP, did not make a reasoned elaboration for the basis for its determination, and failed to take a “hard look” at the relevant areas of environmental concern and

¹⁵*Baker v. Vill. of Elmsford*, 70 A.D.3d 181, 189 (2d Dep’t. 2009) (citations omitted); *Citizens Concerned for Harlem Valley Environmental v. Town Bd. of the Town of Amenia*, 264 A.D.2d 394, 394 (2d Dep’t. 1999) (“[O]ne of the purposes of SEQRA is to assure the preparation and availability of an [EIS] at the time any authorization is granted that may generate significant environmental impact.”).

¹⁶*Farrington*, 205 A.D. at 625; *Baker*, 70 A.D.3d at 190.

¹⁷*Waldbaum v. Incorporated Vill. of Great Neck*, 10 Misc.3d 1078(A) at *7 (Sup. Ct. Nassau Co. 2006); see also *Farrington* 205 A.D.2d at 626 (“Considering only a part or segment of an action is contrary to the intent of SEQRA”) (internal citations omitted); *Defreetsville*, 299 A.D.3d at 633; *Citizens Concerned for Harlem Valley Environmental*, 264 A.D.2d at 394.

¹⁸*Farrington*, 205 A.D. at 626 (internal citations omitted) (emphasis added). See also *Defreetsville Area Neighborhood Ass’n., Inc. v. Town Bd. Of the Town of N. Greenbush*, 299 A.D.2d 631 (3d Dep’t. 2002).

¹⁹Ms. Koetz is a principal of Planet A* Strategies, a consulting firm which provides assessment strategies for sustainable and private enterprises, and she has advised on multiple rezonings and urban development projects in New York City, including in Gowanus (Koetz CV, Ex. 2). She was previously the Principal Deputy Assistant Secretary for Installations, Environment and Logistics at the United States Air Force (*Id.*). Ms. Koetz has also served as the Director of Environmental Policy at the Nuclear Energy Institute, Counsel at the United States Senate Committee on Energy and Natural Resources, Counsel in the Office of the General Counsel at the United States Air Force, and Staff Attorney at the United States Environmental Protection Agency (“EPA”), among other positions (*Id.*).

the significant effects they would cause (*Id.* at pp.10-14). Furthermore, by focusing merely on the Proposed Project, and not the long-term, short-term and cumulative effects of development in and around the Proposed Rezoning Area, DCP has conducted an improper segmented review that does not comply with SEQRA (*Id.* at pp. 3, 10-13). The CPC failed to even address the issue of segmentation, despite that we raised it in our prior written testimony. The CPC erred in accepting the Negative Declaration without a thorough review of the environmental impacts.

For example, the EAS “fails to address multiple Technical Areas through a combination of segmentation and misapplication of screening criteria for Water And Sewer Infrastructure, Transportation, and Air Quality” (*Id.* at p. 3). With respect to Water and Sewer Infrastructure in particular, the Proposed Rezoning Area “sits in a saturated basin with a water-table that is right below the surface. Each new building that protects itself with a cement bathtub redirects the water to neighbors, causing further flooding and sewage back-up in basements and gardens” (*Id.* at p. 5). Indeed, as Ms. Koetz explains:

[S]ewer backups are a pernicious torment in the [Proposed] Rezoning Area. Residents nearby routinely suffer sanitary sewer intrusions, exacerbated during wet weather. Homes have suffered damage, and many require additional equipment to manage toxic materials and prevent further damage. The sewer backup conditions for this and many other streets and areas in and around the Gowanus Canal neighborhoods are well known to NYC officials, depicted in their public State of the Sewers reporting, but are not analyzed in the EAS

(*Id.* at p. 8). Astoundingly, the Negative Declaration fails to address Water and Sewer Infrastructure as it relates to the Proposed Rezoning Area and surrounding neighborhood. While the Developer has suggested that some “blue” infrastructure may be included to mitigate against some of the flooding and sewage problems, this is not binding on the Developer and is not enforceable without an EIS and accompanying Findings Statement (*Id.* at 3).

To the extent that DCP reached its determination that the EIS requirement was not triggered based upon its view that the requisite City Environmental Quality Review (“CEQR”) or other applicable thresholds are supposedly not met, such review failed to consider that the Proposed Rezoning Plan must be considered in conjunction with other plans, such as the nearby Gowanus Neighborhood Plan and the proposed Union Street/3rd Avenue rezoning, as well as the inevitable future upzonings in the surrounding area (*see supra*, Point II). When including these considerations, the thresholds for triggering an EIS requirement would surely be exceeded. In other words, by limiting the Proposed Rezoning Plan to one particular block, and the Proposed Project to one development, the Developer has cunningly attempted (and until now, has been succeeding in such effort) to evade the scrutiny of an EIS through improper segmentation. *See* Expert Environmental Report at pp. 3-4, 10-14.

Indeed, as noted above (*see supra* note 7), the Developer’s EAS only discusses the Proposed Project and the contemplated Second Proposed Project, while glossing over and dismissing the potential for future development of the remaining properties in the Proposed Rezoning Area. The Developer wrongly assumes that additional development would not occur, based upon existing

conditions; however, the Developer fails to acknowledge that such existing conditions could easily change due to, *inter alia*, the purchase of properties by developers and subsequent lot mergers. DCP does not demonstrate that it properly assessed the extent to which potential development may occur on such sites, and therefore does not demonstrate that it took a “hard look” and considered the environmental effects that these additional developments may have on the area. *See* Expert Environmental Report at pp.10-14. As Ms. Koetz concludes in her report,

As currently drafted, the EAS fails to consider reasonably related long-term, short-term and cumulative effects, including other simultaneous or subsequent actions which are included in any long range plan of which the action under consideration is a part, including multiple compliance plans requiring air emission, water discharge, and sewer backup controls.

Id. at p.4.

For these reasons, the Application should be disapproved, at least until the City requires a full EIS for the Proposed Rezoning Plan to be prepared (*Id.* at pp. 3-4, 10-13). Ms. Koetz also recommends the preparation of a Generic EIS, to “analyz[e] all cumulative and reasonably anticipated development in the areas subject to Clean Air and Clean Water enforcement actions that affect the defined compliance areas” (*id.* at p. 4) and to avoid an improper, segmented review (*Id.* at pp. 10-13). Further, a Supplemental EIS to the Gowanus Neighborhood Plan should be drafted to include studies of the “cumulative impacts to the area from all development using the same air and water assets as the Gowanus Neighborhood Plan” (*Id.* at p.4).

IV. THE PROPOSED REZONING PLAN, IF APPROVED, WOULD CONSTITUTE ILLEGAL AND *AD HOC* SPOT-ZONING

New York law defines spot zoning “as the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.”²⁰ Courts have further explained:

Generally, town land use regulations must be in compliance with a town's comprehensive plan in order to limit ad hoc or ‘spot’ zoning, which affects the land of only a few without proper concern for the needs or design of the entire community.²¹

“The real test for spot zoning is whether the change is other than part of a well-considered

²⁰*Matter of Cannon v. Murphy*, 196 A.D.2d 498 (2d Dep’t. 1993) (*citing Rogers v. Vill. of Tarrytown*, 302 N.Y. 115, 123 (1951)); *see also West Branch Conserv. Ass’n. v. Town of Ramapo*, 284 A.D.2d 401 (2d Dep’t. 2001).

²¹*Bergami v. Town Bd. of Town of Rotterdam*, 97 A.D.3d 1018 (3d Dep’t. 2012) (emphasis added) (*citing Matter of Gernatt Asphalt Prods. v. Town of Sardinia*, 87 N.Y.2d 668, 685 (1996)).

and comprehensive plan calculated to serve the general welfare of the community.”²² “The requirement of a comprehensive...plan not only insures that local authorities act for the benefit of the community as a whole but protects individuals from arbitrary restrictions on the use of their land.”²³ Indeed, under New York law:

It is fundamental that valid zoning legislation must find its justification in the exercise of the police power in the interests of the public. (*See Matter of Concordia Collegiate Inst. v. Miller*, 301 N.Y. 189, 196 [(1950)]). Where particular zoning legislation does not promote health, safety, morals or general welfare of the community, it may not be justified as a valid exercise of the police power and is invalid.²⁴

A zoning amendment, the purpose of which is to benefit individual owners of a particular premises, and which detrimentally affects neighboring owners, is discriminatory and thus illegal.²⁵

Here, the Developer’s Application for zoning map and text amendments is fatally flawed, as it seeks to institute illegal spot zoning on the mid-block of one side of a single block in the Gowanus neighborhood of Brooklyn. The Proposed Rezoning Plan is blatantly *ad hoc*, as the Application singles out only the Developer’s property at the Proposed Project Site and just a few other select properties on that one block. *See* Map of Proposed Rezoning Area and surrounding 400-foot radius, EAS, Figure 2. The Developer fails to demonstrate any basis to single out this one block in the neighborhood for rezoning, as there simply is none.

The *ad hoc* nature of the Proposed Rezoning Plan is exemplified by the fact that the existing long-time community members who own property in the residential clusters surrounding the Proposed Rezoning Area (as referenced in the Vision Plan) are prohibited from making even the most basic changes or additions to the existing non-conforming buildings. For example, many property owners of residential buildings on 8th Street between 2nd and 3rd Avenues (the street directly behind the Proposed Rezoning Area) have, for years, sought permission from the City to modestly expand the footprint of their homes, but have been denied from doing so. Some of these owners have requested to merely add a small addition to accommodate their growing family, or just gain more usable space on their lot, but even this was not permitted. *How could the Developer be permitted to make a massive profit by building a nine-story tower with mostly luxury, market-rate apartments, while families living directly next door to or behind the proposed tower would not be afforded the permission to construct, for example, even a one-story addition to simply upgrade their*

²²*Matter of Cannon*, 196 A.D.2d 498 (citing *Collard v. Incorporated Vil. of Flower Hill*, 52 N.Y.2d 594, 600 (1981)).

²³*Asian Ams. for Equality v. Koch*, 72 N.Y.2d 121, 131 (1988).

²⁴*Freeman v. Yonkers*, 205 Misc. 947, 954-55 (Sup. Ct. Westchester Co. 1954). *See also Walgus v. Millington*, 49 Misc.2d 104 (Sup. Ct. Oneida Co. 1966).

²⁵*Freeman*, 205 Misc. at 955.

current homes? When considered from this perspective, the arbitrary spot-zoning plan proposed by the Developer herein is not only illegal, it is inequitable and unjust. *See Asian Ams. for Equality*, 72 N.Y.2d at 131 (the legal principle requiring rezoning to be consistent with a comprehensive plan, as opposed to spot zoning, is meant to “protect[] individuals from arbitrary restrictions on the use of their land”).

Moreover, as discussed above (*see supra*, Points I-II), the Proposed Rezoning Plan would not comply with the existing zoning plan, the IBZ, or the Vision Plan. With the current zoning classification as M2-1, the Proposed Rezoning Plan would change the zoning from one that does not permit *any* residential buildings as-of-right (and currently includes low-density buildings of mostly 1-3 stories), to one that would suddenly permit high-density residential buildings, with permitted heights of as much as *95 feet* (*Id.*).

And, as also noted above, this area was supposed to be *maintained as a manufacturing district* (Excerpt of Gowanus Canal Corridor Rezoning Study, Ex. 5), as opposed to other areas to the north of the IBZ that were separately identified as having the potential for new mixed-use, including residential use (*Id.*). In the Vision Plan, the City “recognize[d] the area as a *vital center of industrial and commercial employment*” (Vision Plan at pp. 5, 7, Ex. 6) (emphasis added), and stated that its objective was “to create a land use framework and identify infrastructure and workforce development priorities that can *support business growth* and reinforce the area as a 21st century *jobs hub for industrial and commercial uses*” (*Id.*) (emphasis added). While recognizing the mid-block residential clusters off of 3rd Avenue, the City made clear that such clusters should be continued, but only “at an *appropriate scale*,” while ensuring that “zoning aligns to *match existing conditions*,” and that only “*modest* increases in density to reinforce these mixed-use corridors” be considered (*Id.* at p.39) (emphasis added). The proposed major residential upzoning in the Application, would indisputably *not* result in “matching existing conditions,” merely “modest increases in density,” or even anything close to “appropriate in scale,” and thus would be clearly contrary to the goals of the Vision Plan.

Lastly, as discussed above more thoroughly, the Proposed Rezoning Plan does not promote the general welfare of the community. The Proposed Rezoning Plan would fail to support business growth and would threaten to eliminate existing businesses and jobs, while the affordable housing units that would be provided are extremely minimal.

In summary, the Proposed Rezoning Plan would constitute illegal spot zoning because it, *inter alia*:

- (i) proposes a totally different zoning classification, which would not be in compliance with the existing comprehensive zoning plan, including the IBZ and the Vision Plan, for Gowanus;
- (ii) singles out only a few lots of land on a singular block in the neighborhood;

(iii) would discriminate against neighboring property owners outside the Proposed Rezoning Area by arbitrarily restricting them from using their land to even modestly expand their properties; and

(iii) would benefit only the Developer and a few other property owners, to the detriment of neighboring owners, residents, businesses and workers in the community, and thus would not promote the general welfare of the community (*see note 6, supra*).

CONCLUSION

While the Application might, at first blush, seem like a simple request to change a zoning classification to build a nine-story tower and provide a few affordable housing units, upon closer review, it becomes clear that this Application would impose serious and irreversible consequences upon community members that cannot afford the disruption. Further, as set forth above, the Application, if approved, would be illegal and would result in significant adverse environmental effects that were never properly considered and studied. Thus, the minimal benefit of the mere handful of affordable housing units being offered here is far outweighed by the significant damage that would be done, including the displacement of existing long-term residents, businesses and jobs in the neighborhood, and the destruction of the existing neighborhood character. For these reasons, and the additional reasons set forth by opponents to the Proposed Rezoning Plan throughout this ULURP process, we respectfully urge the City Council to deny the Application.

Respectfully submitted,



Jason E. Zakai, Esq.

JEZ:me

c: Hon. Shahana Hanif, City Council
Hon. Jabari Brisport, State Senate

Exhibit 1



PLANET A* STRATEGIESSM

*Because there is no Planet B

From: Maureen T. Koetz
To: Jason Zakai, Hiller, PC
Re: Ninth Street Rezoning
Date: September 23, 2022

**REVIEW OF ENVIRONMENTAL ASSESSMENT STATEMENT (EAS)
AND NEGATIVE DECLARATION**

CEQR REFERENCE NUMBER: 22DCP091K
ULURP REFERENCE NUMBER: 210348ZMK
N210349ZRK
210350ZSK



SUMMARY

This case concerns an application by the Angelina Gatto Trust (the “Developer”) for land use actions (the Proposed Action) necessary to facilitate the proposed development of a nine-story mixed-use building located on 9th Street between 2nd and 3rd Avenues in the Gowanus neighborhood of Brooklyn in Community District 6 (“Ninth Street Rezoning”), being carried out by the New York City Department of City Planning (DCP), which serves as the Lead Agency in the matter. Detailed descriptions of the zoning map amendment, zoning text amendments, and a special permit are outlined in the Developer’s “Project Description” Memo dated April 18, 2022.

The DCP reviewed this zoning action under requirements of the New York State Environmental Quality Review Act (SEQRA), the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.*, the City Environmental Quality Review (CEQR) Rules of Procedure of 1991, and Executive Order No. 91 of 1977 using an Environmental Assessment Statement (EAS) short form. DCP issued a Negative Declaration stating the Proposed Rezoning Action would not have a significant adverse effect on the environment.

The 1975 SEQRA law has been interpreted as ensuring that agency decision-makers will balance so-called environmental concerns or consequences against social and economic considerations, and then minimize adverse environmental effects to the maximum extent practicable.

Over half a century of pre-emptive legal limitations on access to air and water asset capacities require SEQRA processes—and the Assessment and Impact Statements produced—to disclose and apply compliance prohibitions air and water asset use in co-equal status to land use considerations.

- Air and water statutory use designations (for breathing, swimming, fishing, habitat, etc.) are superior legal considerations to the “balancing” requirements courts have identified for SEQRA analysis.

Compliance with substantive SEQRA obligations is viewed by the agencies and courts as governed by a rule of reason. The decision of DCP must be rational and based on a sufficient examination, analysis and conclusion regarding the environmental effect of the proposed action that includes taking a “hard look”¹ and making a reasoned elaboration of the basis for its determination. It is well-settled that an EIS is required under SEQRA if the action may include the potential for even one significant adverse environmental impact.²

¹ "In assessing an agency's compliance with the substantive mandates of the statute, the courts must "review the record to determine whether the agency identified the relevant areas of environmental concern, took a hard look at them, and ma[k]e a reasoned elaboration of the basis for its determination" (*Matter of Jackson v. New York State Urban Dev. Corp.*, 67 NY2d 400, 417 [1986]; *e.g.*, *Matter of Chinese Staff & Workers' Assn. v. Burden*, 19 NY3d 922, 924 (2012); *Akpan v. Koch*, 75 NY2d 561, 570 (1990). Where a lead agency failed to identify the relevant areas of environmental concern, take a hard look or set forth a reasoned elaboration, the determination may be annulled (*see Merson v. McNally*, 90 NY2d 742, 751-752 [1997]; *see e.g. Matter of Riverkeeper, Inc. v. General Elec.*, 1998 WL 35394398 [Sup Ct, Westchester County 1998], *aff'd* 262 AD2d 650, 2d Dept 1999). The hard look standard is one which is fact-oriented, and to be determined on a case-by-case basis (*Matter of Riverkeeper*, 1998 WL 35394398, *citing Akpan*, 75 NY2d at 571).

² *Matter of Barrett v. Dutchess County Legislature*, 38 AD3d 651, 655 [2d Dept 2007], *citing* 6 NYCRR 617.7[a][1].



This review has been prepared to evaluate the Environmental Assessment performed, and identify what, if any, grounds exist to challenge the EAS, or require the preparation of a full Environmental Impact Statement (EIS) as part of the rezoning action.

For the reasons described in more detail below, this review makes clear that adverse conditions already present in the Ninth Street Rezoning area will be exacerbated to the point of adverse—and further damaging—impacts occurring. The potential for grater harm indicates the lead agency's examination, analysis, and conclusion regarding the environmental effect of the Proposed Action was insufficient, and the Negative Declaration is not warranted. The Ninth Street Rezoning should more properly be assessed in a full Environmental Impact Statement, a Generic Environmental Impact Statement (GEIS), or a Supplemental Impact Statement (SEIS) to the Gowanus Neighborhood Rezoning.

FINDINGS

- The area affected by the Ninth Street Rezoning is subject to major enforcement actions for sewer backups, combined sewer overflows, and ozone non-attainment that effectively prohibit any additive development that would further exacerbate and interfere with achieving compliance with SEQRA.
- In particular, the 400-foot radius around the Proposed Project designated the Secondary Study Area in the EAS (*see* EAS Figures 1, 2, and 3, *et seq.*) and its surroundings is plagued by recurring sewer backups and air pollutants related to heavy vehicular traffic.
 - Residents and properties within the Study Area and its immediate surrounds experience flooding both outside the properties, and into homes and businesses.
 - Flooding and damage are ongoing in the ten years since Superstorm Sandy, imposing repair costs exceeding \$100,000, in some instances, forcing property owners and dwellers to install prevention infrastructure like check valves and stop using portions of their property.
- The Developer has suggested that some “blue” infrastructure, rain/stormwater controls, and water detention features such as rain gardens and bio-swales, could potentially be included in building designs to lessen the increase in adverse CSO impacts. However, these claims are arbitrary and without enforceability in the absence of an EIS and Findings Statement to mandate such necessary mitigation measures in an area plagued by sewer backups that are in violate federal law.
- The Developer’s own architect testified that Ninth Street “has one [sewer] and capacity is a known issue with storm sewers,” while the 87 dwelling units proposed would add significant sewage loading to what is actually a combined sewer.
- Neighborhood residents are victims of continued City violations of a 2016 Sewer Backup Compliance Order issued by USEPA. NYC knowingly continues to use area basements as sewer retention tanks, creating the significant adverse impacts the Developer acknowledges and that require an EIS.
- The Environmental Assessment Statement (EAS) completed for the Ninth Street Rezoning fails to address multiple Technical Areas through a combination of segmentation and misapplication of screening criteria for Water And Sewer Infrastructure, Transportation, and Air Quality.



- Increased development in areas around the [Gowanus Drainage Area](#) (as defined in the CEQR Manual) at higher elevations are adversely affecting the hydrologic conditions, but no effective study or assessment has been done of the sewer infrastructure or the hydrologic conditions.
- Transportation routing and cumulative development is adding significant levels of traffic and related air pollution to the area.
- As currently drafted, the EAS fails to consider reasonably related long-term, short-term and cumulative effects, including other simultaneous or subsequent actions which are included in any long-range plan of which the action under consideration is a part, including multiple compliance plans requiring air emission, water discharge, and sewer backup controls.
 - The proposed rezoning would have long-term and cumulative effects as part of at least two long-range plans: the SW Brooklyn Industrial Business Zone Plan (IBZ), and the Housing New York 2.0 Plan; in addition, the application is also described as being related to the impacts created by the upzoning of the Gowanus Neighborhood Plan approved in 2021.
 - The Developer has admitted and acknowledged in the EAS, as well as in testimony before the City Planning Commission and the City Council Subcommittee on Zoning that this proposed rezoning is part of these long-range plans. This is evidenced, for example, by inclusion of MIH affordable units (albeit only a small handful) among the planned dwelling units and the assertion in the testimony of Developer's counsel that "the IBZ report recommends as city policy...to upzone and make conforming the residential uses that exist in the manufacturing districts that are adjoining the IBZ."
- The Department of City Planning should perform more rigorous analysis under the following regulatory options:
 - A full EIS of the Ninth Street Rezoning based on:
 - Public Policy requirements arising from the multiple compliance orders and enforcement policies affecting Brooklyn, and the Gowanus Drainage Area and sewersheds
 - Long-term and cumulative effects of this Project as part of implementing the SW Brooklyn Industrial Business Zone Plan (IBZ), the Housing New York 2.0 Plan, and the 80-block upzoning under the Gowanus Neighborhood Plan
 - A Generic EIS analyzing all cumulative and reasonably anticipated development in the areas subject to Clean Air and Clean Water enforcement actions that affect the defined compliance areas.
 - A Supplemental EIS to the Gowanus Neighborhood Rezoning that includes cumulative impacts to the area from all development using the same air and water assets as the Gowanus Neighborhood Plan.
 - In all instances, hydrological assessments of groundwater flows, mounding, and increases to the water table should be included in addition to a full evaluation of the Water and Sewer Infrastructure.
- In the absence of a fully compliance EIS, Supplemental EIS, or generic EIS, the proposed rezoning should be disapproved and rejected.



I. BACKGROUND AND CONTEXT

A. EXISTING CONDITIONS TO BE IMPACTED BY THE PROPOSED ACTION

Neighborhood Character

- The Proposed Action is inconsistent with the historic character of the neighborhood, which is unsuited to high-density residential development that crowds out existing low-rise housing, often family owned, and would erode the mixed residential/industrial/creative space that is a unique feature of the area.
- In particular, the oversized proposed development resulting from the Proposed Action would overwhelm structures on the abutting block of 8th Street between 2nd and 3rd Avenues, an example of the economic and racial neighborhood diversity so assiduously sought by NYC zoning efforts.
- The Proposed Action would also remove property from commercial use, impacting the availability of manufacturing, industrial, and creative space for job creation in the area.

Water

- For centuries, the Gowanus area land, water, and air uses were geared to industry and manufacturing due to the value and availability of the Gowanus Canal for transportation and residual disposal of both industrial and sanitation contamination.
- Physical infrastructure in the Gowanus area is built on a swamp at the base of two hills, and residential property was for decades located in the surrounding Park Slope, Cobble Hill, and Brooklyn Heights, away from both the Gowanus surface water and the underlying water table.
 - The 9th Street block between Second and Third Avenues sits in a saturated basin with a water-table that is right below the surface. Each new building that protects itself with a cement bathtub redirects the water to neighbors, causing further flooding and sewage back-up in basements and gardens.
 - For example, as a result of the development of a high-rise building comparable to the Proposed Action at 202 8th Street (in close proximity to the Ninth Street Rezoning), floods and sink holes in the area have increased.³
 - NYC Department of Environmental Preservation officials have indicated to homeowners in the area that the nearby 8th Street sewer was “really old,” made of brick, and insufficient for storm and sanitation loading in the area.
 - Multiple residences currently require sump pumps and “check valves” to prevent sewer backups in wet weather. Each year, at least one neighbor suffers catastrophic property loss due to sewer back-flow issues during summer storms.
 - In major storms such as the recent Hurricane Ida, street level (as opposed to basement level) bathroom fixtures overflowed from the combined sewage loading. Long-standing promises of “new sewers” have not materialized in 20 years.
- The Developer’s own architect confirmed in formal hearings during this application process that the combined sewer infrastructure lacks capacity for current sewage and stormwater inflows, which the addition of new dwellings will only exacerbate.

³ The danger of sinkholes was recently addressed by the New York City Council. *See* New York City Council Oversight Hearing - [Sinkholes, Flooding and Heatwaves: Infrastructure Challenges in the Face of Extreme Weather](#), August 16, 2022.



Air and Transportation

- The reduction in traffic lanes on the Brooklyn-Queens Expressway has increased both car and truck traffic on 3rd and 4th Avenues.
- Development surrounding the Gowanus Canal for the Gowanus Neighborhood Rezoning in 2021 (Gowanus Neighborhood Plan) has increased barge movement can cause more Bridge closures, in turn creating more traffic backups, idling vehicles, and degraded air quality.

B. SEQRA AND RELATED ENVIRONMENTAL COMPLIANCE ISSUES

Generally, planning is carried out through separate but interrelated zoning actions that designate parcels of land for particular development uses that cumulatively increase use of shared air and water supplies (usually identified as an airshed, watershed, or sewershed).

SEQRA and CEQR processes, particularly the Technical Manual screening practices, determine whether and when a full analysis of additional air, water, and community assets will be used or affected by the development being permitted by the zoning change to land use. The combined effect of treating each zoning action as separate, and high “screening” bars applied to individual or discrete groupings of parcels, which allows zoning applicants to avoid preparation of full Environmental Impact Statements. This means that New York City fails to identify, disclose, or analyze how the accumulative development activities across air and water compliance areas will affect NYC’s ability to comply with multiple enforcement actions affecting these assets that have been outstanding for years, and in several cases, decades.

Water Enforcement

The history of enforcement actions imposed on NYC to force clean up of its water is a long and torturous one, dating at least to the early Rivers and Harbors Acts in the 1890s and the annihilation of the oystering industry by the 1920s. The following is a more recent accounting of how NYC has failed to sustain its waters to cleanliness, quality, and usability levels consistent with the fishable/swimmable zoning imposed by the Clean Water Act:

- 1992: First of multiple Combined Sewer Overflow Administrative Orders issued for failure to control discharges (later updated or reissued as noted below, up to 2017).⁴
- 2010: In spite of strong opposition and intense lobbying by the Bloomberg Administration, the Gowanus Canal is listed on the CERCLA National Priorities List; the Superfund Record of Decision in 2013 imposed compromise requirements for 12M gallons of combined sewage retention in 2 tanks to prevent runoff contamination of the Canal (and as a parallel enforcement order to achieve CWA requirements remaining under the multiple CSO Administrative Orders).
- 2012: NYSDEC and the New York City Department of Environmental Protection (NYCDEP) execute a settlement agreement intended to reduce the discharges of Combined Sewer Overflows (CSOs) to waters otherwise zoned for contact recreation, fishing, and other habitat requirements. As part of this agreement,

⁴ NYS Department of Environmental Conservation CSO Administrative Orders on Consent: • Case No. R2-3351-90-12, June 1992 (Updated, 1996) • Case No. CO2-200000107-8, January, 2005 (modified by 2008 Order,” “2009 Order,” “2011 Order,” “2012 Order,” and 2015 Order”).



DEP was required to develop 10 waterbody-specific Long Term Control Plans (LTCP) plus a citywide LTCP to reduce CSOs and improve water quality in NYC's waterbodies and waterways.

- 2015: Gowanus LTCP is finalized, and covers CSO discharges from the Owl's Head WRRF, the sewershed in which the Proposed Action is located.
- 2015: NYSDEC updates Water Quality Standards for all NY waters to swimming and other "primary contact recreation" that would require updated standards for Class SD and I waters three decades after statutory standards were promulgated; the revisions would require improved sewage control in the upgraded water bodies (Gowanus Canal is SD); USEPA approved the new Primary Contact Recreation designated use, but failed to act on the accompanying revised water quality criteria for total and fecal coliform (pathogen) to support the upgraded designated use.
- 2016: Sewage Backup Administrative Order ("Compliance Order") issued to NYC by USEPA.⁵
- 2017: Environmental watchdog Riverkeeper sues USEPA under the APA for failure to act on reviewing and approving revised WQS required since 1986.
- 2018: USEPA completes a WQS review and disapproves NYSDEC WQS for pathogens as not protective of a primary contact designated use; NYSDEC did not resolve the USEPA disapproval in promulgating new WQS, so USEPA is now in the process of doing so; results are expected in July of 2022 and will likely require new CSO controls for the Gowanus Canal.
- 2020: NYS attempts to formalize the "Water Quality Rollback" by removing the primary contact designation language from 6 NYCRR parts 701.13 and 701.14 (to wit): "In addition, the water quality shall be suitable for primary contact recreation, although other factors may limit the use for this purpose" (the "Suitability Language"); again sued by Riverkeeper. Because of USEPA disapproval of the pathogen WQS, interim criteria to be applied revert to standards in place prior to 2015.
- 2022: Water Quality Regulations expected from USEPA that will alter acceptable levels of pathogens and potentially affect CSO discharge compliance with the LTCP, Federal CSO Policy, and statutory requirements.

Gowanus CSO

Gowanus Combined Sewer Outfalls (CSOs) discharge 293 million gallons, and two storm water outfalls discharge 59 million gallons of stormwater annually into the Canal. This toxic sanitary and storm sewage is a persistent pollutant that has never been captured and treated by either the Red Hook or Owl's Head WRRF under current sewer system design, permit, and capacity limitations. The Owl's Head sewershed area is also experiencing year-on-year rainfall increases of 8.19 inches, adding even more stormwater to an area sited for cumulative development creating simulative sanitary sewage loading as well.

The enforcement actions under the [2015 LTCP for the Gowanus Canal](#) include combined sewer overflow Best Management Practices for the entire Gowanus Watershed and related sewershed drainage areas feeding Owl's Head treatment facility include, *inter alia*:

- Maximum Use of Collection Systems for Storage
- Maximize Flow to Publicly Owned Treatment Plant (POTW)
- Wet Weather Operating Plan (WWOP)

⁵ Sewage Backup Administrative Order No. CWA-02-2016-3012 and its SPDES-permitted Wastewater Resource and Recovery Facilities (including Owl's Head) issued to New York City for violations of CWA Section 301 for failed operation and maintenance of its sewage Collection System. Sewer backup complaints have not been appreciably reduced since the Order was issued in 2016.



- Sewer Connection and Extension Prohibitions
- Control of Runoff



Sewage Backups

The above-cited 2016 Sewage Compliance Order to NYC, as Respondent to the USEPA, stated:

- “Many of Respondent’s Sewer Backups reoccur at the same location within the same year. The ongoing occurrence of thousands of backups per year, including repeat backups at the same location, indicates continued inadequate operation and maintenance by Respondent.”
- “Respondent has not addressed the violations at a pace and scale necessary to protect its residents. However, Respondent can develop cost effective solutions to remedy these violations and protect its residents as other cities have done.”

As the chart above from the [2021 State of the Sewers Report](#) shows, sewer backup reporting has significantly increased since the USEPA Compliance Order was issued in 2016, indicating the adverse impacts of additional customer loading, stormwater increases, and infrastructure limitations are intensifying.

As noted above, sewer backups are a pernicious torment in the Ninth Street Rezoning area. Residents nearby routinely suffer sanitary sewer intrusions, exacerbated during wet weather. Homes have suffered damage, and many require additional equipment to manage toxic materials and prevent further damage. The sewer backup conditions for this and many other streets and areas in and around the Gowanus Canal neighborhoods are well known to NYC officials, depicted in their public State of the Sewers reporting, *but are not analyzed in the EAS*.

Air Enforcement

New York City air use planning is governed by Federal law and subject to the requirements of a State Implementation Plan (SIP) to reduce the presence of polluting material in ambient air in areas that do not meet the National Ambient Air Quality Standards (NAAQS). NAAQS are required by the Clean Air Act and are set by EPA for six principle (or “criteria”) pollutants considered harmful to public health and the environment. Those pollutants are: carbon monoxide (CO); lead (Pb); nitrogen dioxide (NO₂); ozone (O₃); particulate matter 2.5 (PM_{2.5}); particulate matter 10 (PM₁₀); and sulfur dioxide (SO₂).



As of as of July 31, 2022, USEPA lists the following counties in NYC as still in “non-attainment” (or NA) of the Clean Air Act standards—some at the “moderate” level and others at “serious,” the second-highest violation level—demonstrating clearly there is already more polluting material in the air per cubic unit than the law allows:

NY STATE COUNTY	NY STATE COUNTY	NY STATE COUNTY
Bronx County	8-Hour Ozone (2015)	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Kings County	8-Hour Ozone (2008)	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
	8-Hour Ozone (2015)	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
NY County	PM-10 (1987)	New York County, NY - (Moderate)
	8-Hour Ozone (2008)	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
	8-Hour Ozone (2015)	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Queens County	8-Hour Ozone (2008)	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
	8-Hour Ozone (2015)	New York-Northern New Jersey-Long Island, NY-NJ-CT - (Moderate)
Richmond County	8-Hour Ozone (2008)	New York-N. New Jersey-Long Island, NY-NJ-CT - (Serious)
	8-Hour Ozone (2015)	New York-Northern New Jersey

Source: USEPA

Notably, Brooklyn (Kings County) is in Non-Attainment under both Ozone standards, with the Eight-Hour standard violation being “Serious.” According to the NYCDEP website: “Despite significant improvements in recent years, air pollution in New York City is still a significant environmental threat. Improving air quality is a difficult task because there are many types of air pollutants that can come from millions of sources, inside and outside city boundaries.” The NYCDEP website for Air Quality also discloses that “[e]missions from transportation, primarily cars, buses, and trucks, contribute a significant amount of pollution to our air on a daily basis. Every year motor vehicles contribute approximately 11% of the local fine particulate matter and 28% of the nitrogen oxide emissions.”

New York City is subject multiple legally required Air Use Plans, including but not limited to:

- NY Metropolitan Area Carbon Monoxide Limited Maintenance Plan for 2012-2022 (PDF)
- Ozone (2008 8-Hour NAAQS) Attainment Demonstration for the NY Metro Area - Serious Classification (Submitted 11/29/21)



- NYS Implementation Plan Revision for Regional Haze: Second Implementation Period (Submitted 5/8/2020)
- NYS Regional Haze Second Implementation Period Supplement (Submitted 2/16/22)

As noted above, the Proposed Action is in an area proximate to the Brooklyn-Queens Expressway and other major vehicle routes where particulates and other forms of airborne pollution can concentrate.

II. TECHNICAL REVIEW SUMMARY

The Ninth Street Rezoning is considered an Unlisted Action that was evaluated using a short-form Environmental Assessment Statement (EAS).⁶

Using Technical Manual guidance, preliminary screening assessments were conducted for the proposed action and resultant reasonable worst-case development scenario (RWCDs) to determine whether detailed analysis of any technical area may be appropriate. Technical Areas that warranted a “Yes” answer in Part II of the EAS Form, included Land Use, Zoning, and Public Policy; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Hazardous Materials; Transportation; Air Quality; Noise; Public Health; Neighborhood Character; and Construction, for which supplemental screening assessments were performed.

Applying 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance, the DCP determined that no significant adverse effect on the environment would occur from the Proposed Action in the nineteen categories listed, taking into account its: (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

This review disagrees with those determinations for the reasons discussed below.

Review Factors

1. Page A-6 of the EAS states the Proposed Action would be “consistent” with the “overall objectives of the Gowanus Rezoning effort (adopted in November of 2021),” which has identified “goals, and strategies around community priorities, including sustainability and resiliency, community and cultural resources, housing, economic development, and transportation.” According to the Developer, this would suggest that the Proposed Action is part of an overall Development Plan for the area. However, in such a scenario, the Proposed Action is improperly segmented from the Gowanus Neighborhood Plan that was subject to a full EIS, and must be more properly and thoroughly evaluated in a Supplemental EIS (SEIS) to that action.
2. Because the Proposed Action will not involve more than 400 dwelling units, it was wrongly assumed not to have the potential for significant adverse effect to the City’s water infrastructure and quality under the CEQR Technical Manual (Chapter 13, Section 220); thus, no screening analysis of sewer infrastructure issues was performed. However, this was in error, as the lead agency overlooked that the Proposed Action covers an acre, and will increase impervious surfaces, thereby meeting the Drainage Area threshold set forth in Section 200, and the required screening that would have identified the potential for increased adverse

⁶ The SEQRA law and Regulations categorize Agency Actions as Type I (requiring an EIS); Type II (categorically excluded from requiring an EIS per a specific list in the regulations); and Unlisted Actions that are preliminarily assessed to determine if an EIS is required.



environmental impacts from the Proposed Action, especially in light of the degraded and dangerous state of sewage management in the affected Gowanus Drainage Area. (Note: The need for a full EIS based on water and sewer infrastructure impacts is in addition to the requirement for a full EIS based on cumulative impacts on sewerage from the implementation of this Projects part of multiple development plans noted above.)

3. The EAS asserts the Proposed Action would not generate peak vehicle volumes in excess of the CEQR Technical Manual threshold of 170 vehicle trips (Chapter 17, Section 220), and therefore did not perform a full analysis of air pollution and concluded no adverse impacts to transportation systems or air quality would occur. Such technical analysis appears to have been improperly segmented to address only the trip levels calculated for the Reasonable Worst Case Development Scenario (RWCDS) and did not take into consideration the cumulative and longer-term effects from Gowanus Neighborhood Rezoning, the Brooklyn/Queens Expressway closures, and other on-the-ground factors affecting traffic and mobile source emissions in the neighborhood.
4. EAS analysis predicted air pollution concentrations would be less than CEQR significant impact thresholds and National Ambient Air Quality Standards (NAAQS) set by the Clean Air Act (CEQR Chapter 17). Again, these calculations fail to consider the cumulative development from nearby projects, such as those the Gowanus Neighborhood Rezoning.
5. Based on the results of the stationary source analysis, the lead agency merely instructed that an (E) Designation will need to be placed on each of the projected development sites requiring natural gas as the fuel utilized for heating, ventilating, and air conditioning (HVAC), as well as hot water equipment, and specified emission stack locations. However, New York City has recently outlawed the use of natural gas in structures under seven stories starting in 2023, and over seven stories in 2027, creating legal and public policy contradictions for the continued use of (E) Designations as air pollution mitigation (NYC Local Law 154 of 2021).

III. SEQRA COMPLIANCE ISSUES AND OPTIONS

Based on a review of the Key Facts and Technical Findings, the Ninth Street Rezoning EAS has not met the requirement to take a “hard look” at what are likely short-term, long-term, and cumulative impacts of the Proposed Action as that standard is applied in SEQRA case law based on the following issues:

Routine Segmentation

Under the SEQRA regulations, segmentation is defined as the division of the environmental review of an action such that various activities or stages are addressed as though they were independent, unrelated activities, needing individual determinations of significance.⁷

In 2014, Mayor DeBlasio’s Housing New York Plan laid out a set of strategies to preserve and create 200,000 units of affordable housing, with 120,000 units anticipated to be preserved through renewal of expiring affordability obligations, and the remaining 80,000 to be newly constructed. A parallel Mandatory Inclusionary

⁷ 6 NYCRR 617.2(ah)



Housing (MIH) Zoning Text Amendment was filed, triggering an EAS for the MIH Plan. That EAS concluded as follows: “However, since the Proposed Action would have no applicability until mapped as part of future action, any of these density or site-specific impacts would be analyzed as part of a subsequent environmental review.”⁸

Affordable housing goals, programs and formalized plans have provided a major public policy basis for numerous, and often massive, rezoning efforts. Development plans and accompanying zoning actions to implement the MIH Plan or similar efforts have also effectively justified compulsory segmentation when the intended development is implemented. Asserting that significant accumulating impacts will be “mapped as part of future actions” avoids disclosure or action on the overall loading and impacts to, *inter alia*, airshed, airspace, sewers and receiving waterbodies, roads, and schools, from the full program; the impacts are only later registered in improperly divided segments or as marginal loading increases that are tiny percentages of the overall (and often non-compliant) load levels to a water or air asset.

In the case of MIH, achieving 80,000 new residences as a 20% factor of buildout meant 400,000 units would be required. A similar issue exists for low-income housing buildout using 421-a tax subsidies; housing “programs” then justify a multiple of 4 or 5 times more housing units be built to secure the low-income goals—and generate adverse loadings to borough- or City-wide geo-capital assets already in non-compliance.

The EAS states the Proposed Action is intended to be consistent with the Gowanus Neighborhood Rezoning goals, particularly housing, but the Proposed Action is still be treated as completely isolated from that larger buildout, and others nearby. The Developer can’t have it both ways. This type of structural EIS avoidance also illustrates an overall Catch-22 in current SEQRA practice: Cumulative Impacts from related or proximate projects routinely occur—and are often obvious, like Ninth Street and Gowanus Neighborhood—but if the project can be programmatically segmented, even when loading into the same limited geocapital capacities, the cumulative analysis is never performed, thus allowing developers to escape the scrutiny of an EIS.

Technical Assessment

As noted in the Findings Section above, multiple impacts from mobile and stationary source emissions accumulating from traffic and the multiple development projects in the Kings County non-attainment area may cause significant adverse effects. In addition, NYC must meet requirements of multiple CSO Control Administrative Orders and a Sewer Backup Control Order to reach and sustain Clean Water Act standards and requirements. Both warrant a full EIS based on the screening and hard look requirements.

These multiple compliance requirements also support preparing a full EIS to meet the requirements of CEQR Chapter 4, Section 120 (as amended in the December 2021 Edition), which provides: “An assessment of public policy is often relevant to an assessment of land use and zoning. A project located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, may warrant an assessment of public policy.”

⁸ Mandatory Inclusionary Housing Zoning Text Amendment Environmental Assessment Statement CEQR #16DCP028Y September 18, 2015, p. 52.



The narrow concept of “land use” in identifying public policy considerations triggering the need for an EIS is misplaced, now that the CEQR Manual amendments require consideration of sustainability and resiliency policy.⁹ Effectively, the codes, regulations, and enforcement mandated by the Clean Air and Water Acts are the backbone of sustainability policy now required by the CEQR Technical Manual.¹⁰ The water and air use Plans described in the enforcement section above are vital to sustaining New York City in a safe, healthy, and resilient condition. These legally mandated Public Policies compel compliance with key environmental laws. The Proposed Action would have a significant effect on implementation and enforcement of these requirements, and therefore compel a full EIS for a project such as the Proposed Action, which will generate cumulative water and air pollution, and interference with sewage backup compliance.

Generic EIS

The process for a Generic Environmental Impact Statement, (GEIS) is set out in 6 NYCRR 617.10, which provides:

(a) Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. *They may identify the important elements of the natural resource base* as well as the existing and projected cultural features, patterns, and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur. A generic EIS may be used to assess the environmental impacts of:

- Two or more separate actions are proposed in a given geographic area, which, if considered singly, may have minor effects, but if considered together, may have significant adverse environmental impacts;
- A sequence of related or contingent actions is planned by a single agency or individual;
- Separate actions share common (generic) impacts; or
- A proposed program or plan would have wide application or restrict the range of future alternative policies or projects.

To rectify the outdated focus on “land use” in the CEQR Technical Manual, and prevent the structural segmentation that prevents needed cumulative impact analysis for multiple development projects loading onto the same water use and air use areas, the Proposed Action should be the subject of a GEIS covering the Kings County non-attainment and the Gowanus Drainage/sewershed areas, including actions affecting implementation of the Long Term CSO Control Plan.

⁹ Chapter 4, Sections 122 of the 2021 revised CEQR Technical Manual specifically makes consistency with the OneNY Sustainability Plan a requirement of large, publicly sponsored projects.

¹⁰ Section 222 indicates sustainability standards are intended to apply in assessed proposed projects, but implies such codes and standards do not currently exist, when, in fact, the numerous air, water, hazardous material, and cleanup laws and regulations constitute such standards that need be applied under the CEQR as suggested in Section 222.



IV. CONCLUSION

The EAS for the Ninth Street Rezoning is subject to challenge for the lead agency's failure to take the "hard look" required by law and regulation in the following (and potentially additional) technical areas where significant adverse environmental impacts are likely to occur:

- Cumulative Impacts in conjunction with implementation of the South Brooklyn IBZ, Housing New York 2.0, and the Gowanus Neighborhood Plan
- Public Policy/Sustainability
- Transportation
- Water and Sewer Infrastructure

The Ninth Street Rezoning also fails to meet SEQRA/CEQR requirements for being segmented from other similar efforts to create affordable housing and diversify neighborhoods that cumulatively generate significant adverse impacts to this area.

- The Ninth Street Rezoning should be properly assessed as part of the Gowanus Neighborhood Rezoning along with other, accumulating land, air, and water use actions occurring in the co-located compliance areas (attainment areas, watershed, drainage areas) in this section of Brooklyn.
- This could be rectified by a supplemental EIS to the Gowanus Rezoning in place of the Negative Declaration issued by DCP.

The Ninth Street Rezoning may also be properly assessed by a Generic Environmental Impact Statement (GEIS) in place of the inadequate Negative Declaration that can take the necessary "hard look" at the full range of air, and, and water impacts from non-compliance with use restrictions imposed by Federal, State, and Local laws

- A GEIS may also be required in light of the recently added requirements to assess sustainability codes (*e.g.*, the Clean Water Act) and new Local Laws affecting sustainability (*e.g.*, ban on gas fuel in buildings).

Exhibit 2

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CHIEF SUSTAINABILITY OFFICER/LEGAL AND POLICY EXPERT INTEGRATED CAPITAL MANAGEMENT FOR DEFENSE, ENERGY, AND URBAN SYSTEMS REPUBLICAN CANDIDATE NYS ASSEMBLY/U.S. NAVY VETERAN

PROFESSIONAL PROFILE

- *Data, information, and knowledge management innovator for operational decision making informed by integrated environmental analysis and capacity optimization*
- *Visionary who builds shared purpose into organization culture, programming, strategy, and coalitions*
- *Multibillion-dollar operating and capital budget administrator*
- *Expert in multi-media environmental law, including regulatory, conservation, and analysis requirements*
- *Persistent advocate in planning, execution, and continuous improvement to organization operations*
- *Pro bono contributor to community development, preservation, resiliency, and local governance principles in large-scale development projects*

CAREER HISTORY

KOETZ AND DUNCAN/PLANET A* STRATEGIES

2006 TO PRESENT

Executive consultancy delivering knowledge-based investment, management, and value assessment strategies for sustainable public and private enterprise.

- Guided green, domestic aluminum recycling company data development and submittals to Department of Commerce to secure federal grants from recently appropriated semiconductor financial assistance program
- Strategic advisor to successful zoning litigation reversing permits for major New York City urban development project for failure to evaluate air and other community asset takings and use
- Provided administrative process and litigation support to community organization opposing massive rezoning of unremediated Superfund site in Brooklyn, NY
- Designed and executed first natural capital capacity inventory at major US Department of Energy installation to enable nuclear mission expansion and local community economic reuse of excess air, land, and water capacity
- Created seminal green procurement strategy for association of technology-forward domestic steel manufacturers for application in market growth and trade policy actions
- Teamed on advanced market and environmental analysis for DC Dept. of Public Works to meet operational and logistics requirements of Sustainable DC Plan, creating immediate savings in contract costs and implementation

PRINCIPAL DEPUTY ASSISTANT SECRETARY, INSTALLATIONS, ENVIRONMENT, AND LOGISTICS

UNITED STATES AIR FORCE

2002 TO 2006

Executed Chief Sustainability Officer responsibilities for a ten million acre, quarter-trillion dollar global estates portfolio after initial Presidential appointment as Deputy Assistant Secretary for Environment, Safety and Occupational Health. Managed secretariat division of 125 executives and staff overseeing global engineering, logistics, and realty operations. Steered multibillion dollar annual program budget in construction, sustainment, capital improvements, maintenance, supply, safety, and operational environmental analysis for the largest energy consumer in the Federal enterprise system.

- Managed all aspects of realty portfolio development and divestiture, including programmatic and project-based impact analysis for construction, weapons systems, mission and wing alignment, and installation redevelopment
- Chartered public/private expert team to develop seminal natural capital appraisal and valuation handbook; results increased financial and operational public asset value through reduced budget, and increased revenue and capacity
- Oversaw infrastructure acquisition for nuclear weapons handling capacity, including assessments addressing unique endangered species and encroachment factors affecting realty accession and operations

- Revised acquisition and logistics management to apply impact analysis data and measurements as sustainability metrics to reduce costs, support aircraft recapitalization, and assure ongoing domain access for all organize, train, and equip missions in response to encroachment threats
- Served on the Budget and Planning Board and Base Closure Executive Group; member of NEPA and regulatory reform committees, and utility privatization working group
- Provided Congressional testimony on Base Closure, infrastructure, sustainability, and maintenance programming

DIRECTOR OF ENVIRONMENTAL POLICY

NUCLEAR ENERGY INSTITUTE

1997 TO 2001

Promoted to head newly created division after serving as special assistant to the organization president. Transformed industry policy, legislative agenda, and communications programming to value-based depiction of nuclear technology and system operations.

- Recast environmental impact data to generate seminal emissions avoidance model, enabling “Clean Air Energy” public policy and communication program in support of post-restructuring financing and operations
- Developed policy for expanded use of nuclear electricity in sustainable development delivered to United Nations Council on Sustainable Development convened in 2001, and published by World Energy Council
- Organized international industry consortium advocating for emission-free nuclear power at Framework Convention on Climate Change negotiations; actions included outreach and drafting inputs to the Kyoto Protocol
- Delivered domestic and international speeches and testimony on climate change and other issues (including US Senate Commerce and House Science Committees); media spokesperson for International Chamber of Commerce in greenhouse gas control negotiations

COUNSEL

US SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

1995 TO 1997

Served as specialized counsel for integrated energy and environment legislation and oversight activities.

- Coordinated oversight hearings and legislation to streamline multibillion dollar nuclear weapons complex environmental cleanup, including impact analysis processes
- Drafted legislation regarding regulatory reform, public water use and access, and endangered species
- Adjunct member of US delegation to second Conference of the Parties on Climate Change (Geneva, CH)
- Developed ongoing working relationships with major industrial, commercial, trade, environmental, and energy associations

COUNSEL

OFFICE OF SENATOR PETE DOMENICI

1993 TO 1994

Awarded USAF Fellowship as Environmental Counsel to senior member of Budget and Energy Committees.

- Drafted and negotiated reauthorization legislation for the Safe Drinking Water Act
- Office liaison for National Academy of Sciences and National Research Council drinking water research
- Represented Senator at proceedings of the Environmental Finance Advisory Board (EFAB)

COUNSEL, INSTALLATIONS AND ENVIRONMENT

OFFICE OF THE GENERAL COUNSEL, UNITED STATES AIR FORCE

1991 TO 1993

Lead attorney for real estate, environmental restoration programming, and NEPA compliance for three rounds of base closures and dispositions, including budgeting, community reuse planning, lease and sale transactions, and program regulatory compliance requirements.

- Developed first comprehensive due diligence policy for Department of Defense real estate accession and disposition to assess environmental risk and liability
- Reviewed and advised on environmental assessment and impact analysis for domestic and international organize, train, and equip mission planning subject to both federal NEPA and state impact analysis requirements
- Drafted and reviewed Congressional testimony, legislative provisions, Air Force strategy plans, and inputs to Five-year Defense Plans (FYDP); staffed Congressional liaison activities

STAFF ATTORNEY

US ENVIRONMENTAL PROTECTION AGENCY, REGION V

1990 TO 1991

Enforcement attorney specializing in underground injection-well maintenance, FIFRA, CAA, CWA, and SDWA compliance. Lead investigation of automotive PCB discharge and restoration requirements. Served as Administrative Hearing Officer in revolving loan repayment review and oversight procedures.

MORTGAGE PORTFOLIO MANAGER, OLYMPIC FEDERAL SAVINGS, IL

1989

Reviewed lending portfolio, prepared foreclosure, sale, and auction transactions; developed workout plans and foreclosure avoidance programs for mortgagees.

JUDGE ADVOCATE, UNITED STATES NAVY

1984 TO 1988

Prosecuted and defended courts-martial; handled claim, tort, and contract disputes; personal counsel to sailors and families for wills, contracts, housing, and government benefits. Served as Department of State Consulate Liaison, Palermo, Sicily. Honorable discharge at rank of lieutenant.

EDUCATION

Juris Doctor, Washington College of Law, American University (1983)

Bachelor of Arts, Political Science, American University (1979)

International Studies Seminar, American University of Rome (1979)

PROFESSIONAL AFFILIATIONS

Board of Directors - Women's Campaign Fund

Industrial College of the Armed Forces - Visiting Lecturer, Washington, DC

Friends of South Street Seaport - Charter Member and Strategic Advisor

Air Force Association - Member

Bar of the State of New York - Member in Good Standing

PUBLICATIONS

Woke Nuclear? (2018)

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Environmental Resource Sustainment: A Transformation Paradigm for Military Readiness and Our Environment in the 21st Century, Env. Bus. Journal, Vol. XVI, 2003

A Place For Nuclear Electricity In Sustainable Development? World Energy Council, 18th Congress, 2001

Nuclear Power Is Still Going Strong, European Affairs, Vol. 1, No. 4, 2000

Exhibit 3

From: Gowanus Alliance <gowanusalliance@gmail.com>
Date: July 28, 2022 at 5:15:27 PM EDT
To: Mike Racioppo <mike@bkcb6.org>
Subject: Re: Some guidance please.

Thank you
Mike

Sent from my iPhone

On Jul 28, 2022, at 5:13 PM, Mike Racioppo <mike@bkcb6.org> wrote:

There is no requirement, and I don't get updates/notices for the hearings. If I did, I'd have shared it just the way I shared/shared the BP hearings, his approval, etc.

I share the ZAP portal information on our calendar /announcements because DCP controls that, and they are the lead agency and as such the information they share / update would be the most current/official.

However I'm happy to reach out to DCP and make sure they give us notice that at least we can share with in the board and we can amplify such information. Same goes for when it reaches the council.

On Thu, Jul 28, 2022, at 4:30 PM, Gowanus Alliance <gowanusalliance@gmail.com> wrote:

I know we have a busy agenda tonight, and I know there is some transitioning in chairs, but I wanted to get done procedural insight into the review process and notification protocol when a Rezoning application we as a board voted on gets to Planning commission.

The ninth street application was heard in public review by city planning commission yesterday.

We were not given any notice of the hearing.

Does our community board get notice and/ or isn't the applicant supposed to notify neighbors of the hearing?

I know this is past the boards preview now, but again our neighbors have a concern with notification and process by this applicant.

I'm sorry to keep asking about this application, but something is wrong when we don't get notice about public hearings especially one this consequential.

Paul

Sent from my iPhone

--

Michael Racioppo, *District Manager*
Brooklyn Community Board 6
250 Baltic Street, Brooklyn, NY 11201-6401

t. [718.643.3027](tel:718.643.3027), * ext. 205
w. www.BrooklynCB6.org
e. Mike@bkcb6.org

Exhibit 4

From: Mike Racioppo <mike@bkcb6.org>

Date: Thursday, July 28, 2022 at 5:20 PM

To: Kathryn Krase <katkrase@gmail.com>

Subject: Re: 9th Street Rezoning, DCP Hearing: CB notice?

I feel less left out with Shahana not being given a heads up either. If I had been given one I'd have shared it the way I shared the updates from the BP.

However, there's no requirement for such notice.

On Thu, Jul 28, 2022 at 5:16 PM Kathryn Krase <katkrase@gmail.com> wrote:

Hi Mike,

Hope all is well with you this week.

I'm reaching out as part of the Gowanus community group that has been organizing against the 9th Street rezoning proposal. We just found out the the DCP had a public hearing yesterday, but without any notice to the community. There was no notice through your emails; there was no notice to CM Hanif's office, and there was no notice on the DCP website or ZAP portal (which we monitor closely).

Do you have any information to share on the notification of the public hearing?

Thank you,

Kathryn Krase

[128 8th Street](#)

[Brooklyn, NY 11215](#)

Exhibit 5

Gowanus Canal Corridor Rezoning Study

*City of New York
Department of City Planning*

May 2008



GOWANUS CANAL CORRIDOR STUDY AREA

GOWANUS
CANAL

AREAS C, D-East and E : MAINTAIN MANUFACTURING DISTRICTS

- Identify areas to reserve for continued industrial as well as commercial activity



Baltic Street



4th Street

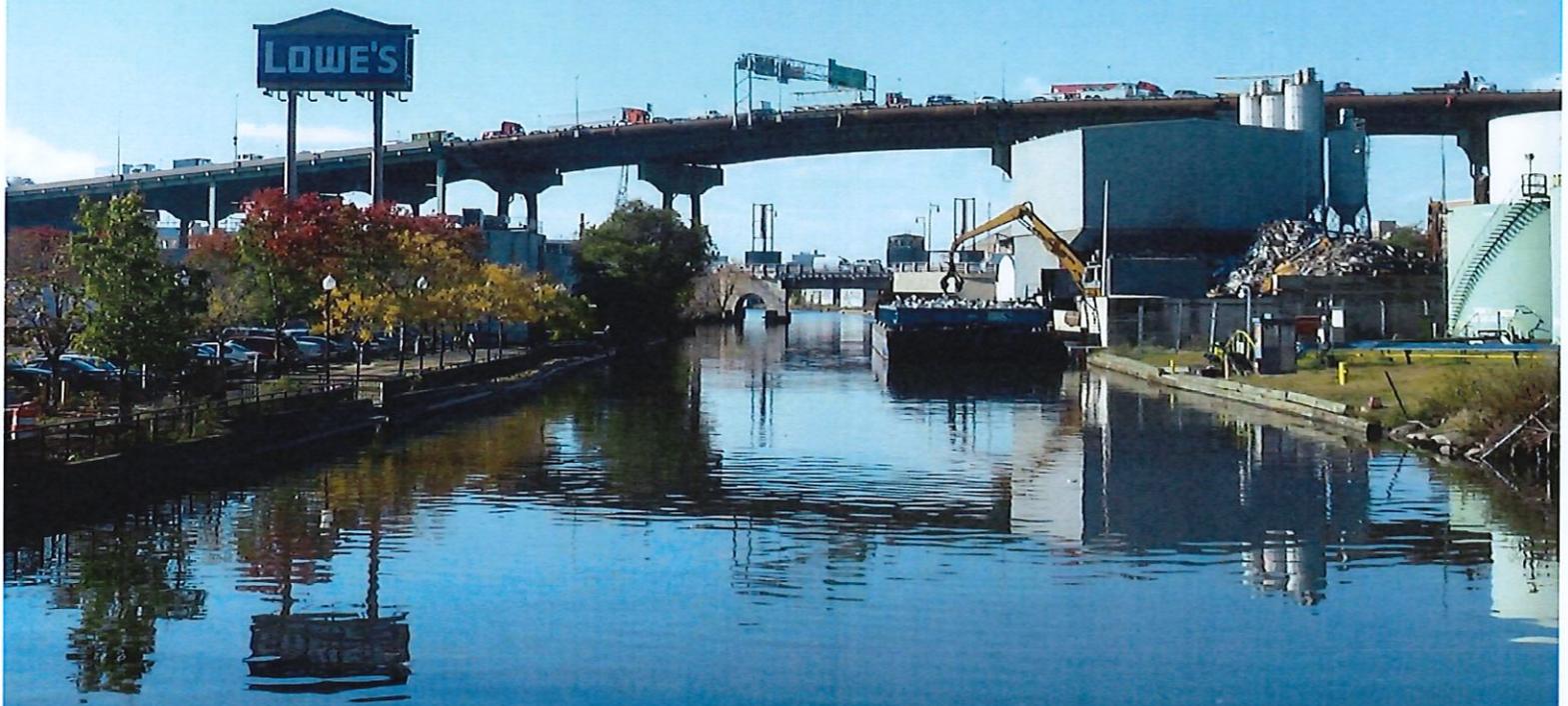


2nd Avenue near 7th Street

Exhibit 6

GOWANUS INDUSTRIAL BUSINESS ZONE (IBZ) VISION PLAN

May 2021



Study Purpose & Goals

The study's core goals are to put forth a land use framework that can inform future private land use applications, and identify infrastructure and workforce development opportunities that can reinforce the area as a 21st century jobs hub. Although specific zoning districts are not being proposed, this Vision Plan is intended to serve as a guide for future development, infrastructure improvements, and policy.

Based on the study's analysis and public outreach, this Vision Plan lays out a land use framework with four geographic sub-areas, and targeted goals and strategies for workforce development and infrastructure improvements. Below is a summary of the goals for land use, sustainability and resiliency, transportation, and workforce development.

While most of the study's outreach, data, and research was collected prior to the COVID-19 pandemic, it is critical to recognize the ongoing citywide challenges related to the pandemic – not only job loss, business restrictions, and supply chain constraints, but also long-standing inequities that elevated the need for open space and broadband access. Despite this period of uncertainty, the fundamental study goal – supporting a job-dense neighborhood with strong access to transit and nearby residents – remains true and in part reinforced by the city's path to full economic recovery. The pandemic has also demonstrated the need for zoning to be flexible and allow businesses to adapt to unforeseen and disruptive changes.

Land Use

- ▶ Increase flexibility for existing industrial businesses to grow and support continued industrial operations around major truck-intensive facilities
- ▶ Support industrial, arts, and other sectors that contribute to the local economy, build on the area's competitive assets, and provide quality jobs accessible to local residents
- ▶ Promote greater job density in targeted areas closer to transit and to residential neighborhoods

Introduction

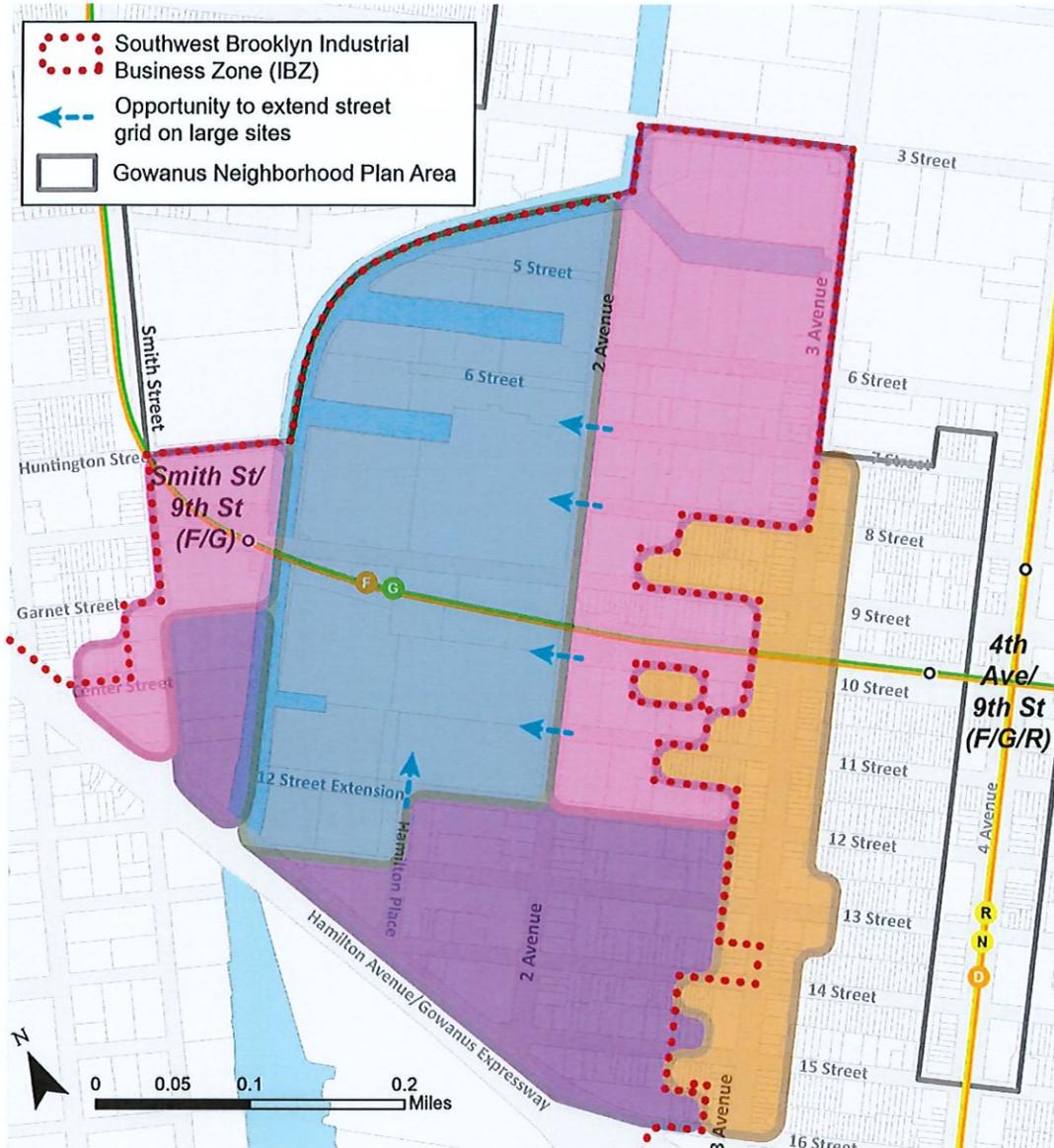
As a follow-up to the Gowanus Framework released in June 2018, which proposed new land use changes in the northern part of Gowanus, the New York City Department of City Planning (DCP), agency partners, and local stakeholders led a public engagement effort to develop a shared vision for the southern part of Gowanus within the Southwest Brooklyn Industrial Business Zone (IBZ), along with industrial and commercial zoned blocks adjacent to the IBZ, and the 3rd Avenue corridor between 7th and 16th Streets (Study Area). While this portion of Gowanus is not subject to the proposed land use actions, the City recognizes the area as a vital center of industrial and commercial employment.

Study Goals & Process

The main objectives of this study are to create a land use framework and identify infrastructure and workforce development priorities that can support business growth and reinforce the area as a 21st century jobs hub for industrial and commercial uses.

This study was undertaken in collaboration with Council Member Brad Lander and his office, Community Board 6, community-based organizations, and local businesses and property owners. As part of the study, DCP facilitated a community engagement process—including an online survey, two public business roundtable meetings, and a core stakeholder working group – along with an analysis of land uses, market and real estate conditions, business and employment trends, and infrastructure needs. Outreach and analysis was completed from the spring of 2019 through the winter of 2020.

Land Use Framework Summary



Smith/9th St Transit Node & Upland Areas

Goal: Support the retention and growth of industrial and arts-based uses, alongside office and retail-based sectors, especially along 2nd Avenue and 9th Street corridors

Industrial-intensive Areas

Goal: Support concentration of industrial and truck-intensive uses and increase flexibility for businesses

Large Waterfront Blocks

Goal: Support a mix of uses, including those that are there currently, and the long-term growth of commercial and industrial uses

3rd Avenue Corridor & Mid-Block Residential Clusters

Goal: Recognize clusters of residential use and promote mixed commercial and residential activity along 3rd Avenue

3rd Avenue Corridor & Mid-Block Residential Clusters

Recognize clusters of residential use and promote mixed commercial and residential activity along 3rd Avenue

- ▶ Allow mixed use buildings along 3rd Avenue, an existing mixed-use corridor, and accommodate multiple stories of non-residential uses
- ▶ Support continued residential use in mid-block residential clusters at an appropriate scale

The portion of 3rd Avenue south of 7th Street consists mostly of mixed-use buildings with ground floor retail and upper floor residential, as well as auto-oriented uses. While the eastern side is generally zoned to allow residential use, the western side is entirely zoned as a manufacturing district. Housing within this area was built long before the adoption of the 1961 Zoning Resolution and has remained non-conforming since that time.

Residential buildings located along 3rd Avenue and within the mid-blocks between 2nd and 3rd avenues are well-established and likely to continue to remain. As such, the framework recommends that these clusters be brought into conformance and that zoning aligns to match existing conditions. Further, where there are clusters of residential uses along 3rd Avenue and 9th Street, it may be appropriate to consider modest increases in density to reinforce these mixed-use corridors.



From: [Jacky Hunt](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] 9th street rezoning; I'm opposed
Date: Friday, September 23, 2022 1:00:28 PM

Dear District39,

As a resident of Gowanus for more than 10 years, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from

rain events, including losses experienced just last week. While the Gatto Trust has committed to “greening” and “bluing” any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area’s unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

I truly hope you will take into consideration the significant concerns of the majority of your constituents.

Kind Regards,
Jacky Hunt

Jacquelyn Hunt, LCSW

[AgainstTheOddsTherapy](#)

929-382-4487

From: [Jerry Krase](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues
Date: Wednesday, September 21, 2022 9:56:51 AM

As a long-time resident of 9th Street in Park Slope, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, unless significantly modified. The current application will enrich a small group of people at the expense of a large portion of local community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Thank you, Jerome Krase, Ph.D.
Emeritus and Murray Koppelman Professor
Brooklyn College
The City University of New York
563 9th Street, Brooklyn, NY 11215

From: [Jevon Roush](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] DENY Spot rezoning of 9th Street, between 2nd and 3rd Aves in Brooklyn
Date: Wednesday, September 21, 2022 12:45:18 PM

To the City Council Subcommittee of Zoning and Franchises,

I am unable to attend this Thursday's hearing to testify, but want to express my categorical opposition to the application of the Gatto Trust to rezone 9th Street between 2nd and 3rd in Gowanus. I live on 8th Street and work on 2nd Avenue, and absolutely no one in the affected area is supportive of this plan.

It would create a massive structure completely out of character with the surrounding neighborhood, exacerbate an already intolerable situation of waste water management, and would displace longtime residents living in rent controlled apartments.

We all want to see responsible development in this neighborhood, akin to the thoughtful process concluded north of 3rd St in Gowanus. This kind of spot rezoning benefits only the landowner and is absolutely anathema to all precepts of responsible city planning. We can do better than this.

PLEASE VOTE NO TO IRRESPONSIBLE CITY PLANNING

Respectfully,

Jevon Roush
[REDACTED] Brooklyn NY 11215

From: jmaccetta@earthlink.net
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Cc: 9thstreetrezoning@gmail.com
Subject: [EXTERNAL] 9th Street Rezoning application
Date: Wednesday, September 21, 2022 6:12:30 PM

Dear Council Members,

I am a long time resident of Park Slope.

My family has had a presence in Park Slope and Gowanus communities since the early 1900s.

We have raised are children here, now young adults, 2 of which are living in these communities.

These communities are very special to us.

We support real estate development and building rehabilitation. We do this for a living. That said we are concerned about the scale of the proposal for the rezoning of 9th Street between 2nd & 3rd Avenues.

We own a 4 family property on 8th street between 2nd and 3rd Avenue.

We would like to see this proposal scaled back to an R6B type designation similar to what was implemented in the 2021 Gowanus IBZ Plan for existing residential dwellings.

Besides leveraging the work that has been completed in the 1st Phase, we believe this would be a better fit with the existing scale of the community and be more conducive to manageable development cycles.

And we ask that Infrastructure considerations be transparently studied and published before any increase in zoning density is considered, notably the affect on sewer systems, traffic and parking.

In summary we believe IBZ R6B guidance for our area would be the better fit for the residents of this neighborhood.

Sincerely,

Joseph Accetta

From: [Julius](#)
To: [District39](#); [Land Use Testimony](#); [Testimony](#)
Subject: [EXTERNAL] Pls DENY 9th St (2-3 Av) Brooklyn rezoning app of Gatto Trust
Date: Wednesday, September 21, 2022 12:22:08 PM

Greetings,

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues in Brooklyn, without significant modification.

The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on land currently used as a commercial parking lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

Superstorm Sandy struck the city barely 10 years ago, leaving a heightened awareness of our vulnerability as a coastal city. This I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to “greening” and “bluing” any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area’s unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Thanks in advance for addressing our concerns.
Regards,

Julius Lang

From: [Katherine O'Sullivan](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] 9th Street Rezoning Application, Gowanus
Date: Saturday, September 24, 2022 10:56:37 AM

As a resident of New York City, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. Instead, please support community involvement in the rezoning process, and require that the applicant address our concerns related to: 1) a net loss of affordable housing, especially for long-time residents of 9th Street, 2) negative environmental impacts of development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

While the focus of the proposal seems to be an empty lot, the rezoning of the block would result in the displacement of dozens of current residents, many of whom are multi-generation families in rent stabilized units. I support an increase of affordable housing to our area. However, the current proposal does not guarantee an increase in affordable housing, and would most likely result in a net loss of affordable units in the proposal area, and other blocks nearby.

The proposal area is also in a flood zone. Residents and businesses in the area consistently suffer significant damage from rain events. Before making a commitment to add residential units to the proposal area, the City needs to improve flood zone infrastructure.

The current proposal does not include lots within the boundaries of the Gowanus Industrial Business Zone, but it threatens the integrity of the IBZ. The New York City Department of City Planning adopted a Vision Plan in May 2021 to protect the IBZ. This proposal does not follow the vision plan. The IBZ Vision Plan would result in an increase in residential units on 9th Street, but without the same threat to existing residents, the environment, or the IBZ.

Viable and sustainable rezoning of any community requires a comprehensive plan. At this time, the City Council should deny the current application, unless all of our concerns are addressed through modifications of the proposal.

Katherine O'Sullivan

New York, NY



From: [Kathryn Krase](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Cc: [Perez, Mia](#)
Subject: [EXTERNAL] 9th Street Rezoning: Testimony
Date: Thursday, September 22, 2022 1:34:35 PM

In the interests of time, I had to cut my live remarks. Please find my full comments below:

Good afternoon Councilmembers. I would like to start by thanking Councilmember Hanif for her leadership, and her commitment to community engagement. My name is Kathryn Krase, lifelong Brooklynite. CB6 resident for 40 years. For nearly 20 years I have lived behind the Gatto Family's empty lot. I welcome responsible development of the lot, along with rezoning 9th Street to bring existing residential buildings into legal conformity. However, I, along with 300 community members who have signed our petition, urge the City Council to DENY the current application unless there are significant changes. We want the applicant to address threats of: 1) a net loss of affordable housing 2) negative environmental impacts of development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

While the proposal's focus is on developing an empty lot, the plan impacts a dozen other lots, currently housing over a hundred residents. Rezoning those lots to R7A would economically incentivize the destruction of those structures and result in displacement of residents, like my friend Patrick, who walks his adorable chihuahua around the block everyday. Many 9th Street residents, like Patrick, come from multi-generation Puerto-Rican and Dominican families. Many are only able to stay in the area because they are living in rent stabilized units, or units with reasonable rents, especially compared to the new luxury units popping up everywhere. Contrary to the applicant's assertion there is more than 1 building with stabilized units and more than 1 stabilized unit on the block. You can find this information in the NYC DHCR annual filings. I completely support an increase of affordable housing to our area, and more than required by MIH. However, the current proposal could actually result in a net loss of affordable units.

The proposal area includes lots in a flood zone with major sewer issues (though the Gatto lot is only adjacent to the current flood zone, that lot is included in the future flood zone calculations). I know, because I lost family keepsakes when the sewer backed up through my drains. The groundwater also rises up into our basements. Before making a commitment to add a large number of residential units to the area, we need improvements to water & sewer infrastructure. The plans to address these issues on the Gatto site are commendable, but not binding on the rest of the proposal area. A proposal of this scale should require more environmental study.

Lastly, the proposal threatens the IBZ. I know the proposal does not include the

actual IBZ. But, ALL of 9th street is vital to the IBZ. The DCP Vision Plan from 2021 aims to protect the IBZ. The next step should be community participation to bring that plan to fruition. The current proposal is not community driven, nor is it community supported.

The current proposal brings about a lot of disagreement. The CB6 land use committee voted against the proposal, but the full Board supported it with conditions. Borough President Reynoso recommended approval, but with significant modifications. The CPC ignored the others and recommended a blanket approval. As the application was processed at each stage, a growing number of community members have spoken out against the current plan, demanding a better one. At this time, the City Council should deny the current application, unless our concerns are addressed through significant modifications.

Thank you for your attention to our concerns.

Sincerely,
Kathryn Krase



Brooklyn, NY 11215

From: [KATIA Kelly](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] Testimony to oppose the current plan to rezone 9th Street between 2nd and 3rd Avenues in Brooklyn
Date: Wednesday, September 21, 2022 8:09:16 PM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to

add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Respectfully, Katia Kelly

From: [Laine Campbell](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] 9th Street Rezoning
Date: Wednesday, September 21, 2022 11:51:36 AM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. Instead, please support community involvement in the rezoning process, and require that the applicant address our concerns related to:

- 1) a net loss of affordable housing, especially for long-time residents of 9th Street,
- 2) negative environmental impacts of development in a flood zone; and
- 3) threats to the adjacent Industrial Business Zone (IBZ).

While the focus of the proposal seems to be an empty lot, the rezoning of the block would result in the displacement of dozens of current residents, many of whom are multi-generation families in rent stabilized units. I support an increase of affordable housing to our area. However, the current proposal does not guarantee an increase in affordable housing, and could result in a net loss of affordable units in the proposal area, and other blocks nearby.

The proposal area is also in a flood zone. Residents and businesses in the area consistently suffer significant damage from rain events. Before making a commitment to add residential units to the proposal area, the City needs to improve flood zone infrastructure.

The current proposal does not include lots within the boundaries of the Gowanus Industrial Business Zone, but it threatens the integrity of the IBZ. The New York City Department of City Planning adopted a Vision Plan in May 2021 to protect the IBZ. This proposal does not follow the vision plan. The IBZ Vision Plan would result in an increase in residential units on 9th Street, but without the same threat to existing residents, the environment, or the IBZ.

Viable and sustainable rezoning of any community requires a comprehensive plan. At this time, the City Council should deny the current application, unless all of our concerns are addressed through modifications of the proposal.

Thank you,
Laine Campbell


Brooklyn, NY 11215

From: [Margaret M.Kudumala](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Cc: [Aditya Kudumala](#)
Subject: [EXTERNAL] Testimony AGAINST the 9th Street Rezoning in Gowanus
Date: Thursday, September 22, 2022 10:29:49 AM

To whom it may concern:

As residents of Gowanus (owners of the townhouse at 195 8th Street, 11215), we urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our **concerns related to: 1) significant, negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ), and 3) a potential loss of affordable units in the area, including displacement of long-time residents on the block.**

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

We have significant concerns for the local environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone, and **we are ALREADY experiencing significant damage each time there are heavy rain events, including losses experienced just last week.** We have sinkholes on our block that need constant attention, even swallowing half of a truck last year. There is very clearly an unaddressed issue involving the water and sewage pipes under our street, and we are told those are not the only issues.

While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, **the community**

has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure.

Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsibly improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

We support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

We believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why we are asking you to deny the current, unless the applicant is willing to make significant modifications to meet our concerns.

Sincerely,

Margaret & Aditya Kudumala

[REDACTED]

Brooklyn, NY 11215

[REDACTED]

From: [Max Cea](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] Opposing plan to rezone 9th Street between 2nd and 3rd Avenues
Date: Saturday, September 24, 2022 11:50:12 AM

Hi,

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be

responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Thanks,
Max Cea



From: [Miranda Sielaff](#)
To: [Land Use Testimony](#); testimony@nyc.council.gov; [District39](#)
Subject: [EXTERNAL] Opposed to Ninth St Rezoning
Date: Thursday, September 22, 2022 9:45:01 AM

I am a resident of Carroll Gardens and I rent studio space for my music teaching business in the Gowanus IBZ. I have been part of this community for the last 15 years, where thousands of musicians rehearse, record, and perform live music. The threat to the IBZ in this rezoning is a serious problem for musicians who struggle to find affordable spaces to work.

I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to “greening” and “bluing” any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area’s unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Sincerely,
Miranda Sielaff



Brooklyn NY 11231

From: [Paul DeRosa](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Deny Gatto Trust 9th street rezone
Date: Thursday, September 22, 2022 7:30:21 PM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an

Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Paul DeRosa

Sent from my iPhone

From: [paula hible](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] 9th Street rezoning in the Gowanus area
Date: Sunday, September 25, 2022 4:40:37 PM

I am writing as a concerned resident of the Gowanus area.

I have lived on 11th St between 3rd and 4th Avenues since 2001. Flooding is rife in this area, above 3rd Ave as well. Because flooding is so predictable and widespread, homeowners do not report. It's simply a fact of life. We have a sinkhole running down 11th that can be easily traced as far up 6th Ave and it's obvious that the infrastructure of 100 year old drainage pipes is not prepared for any more stressors... construction, etc. Until the infrastructure is fully addressed, modest construction should be the only kind approved.

I also want to say that this community is based on diversity. Diversity of use, income, ownership, tenants and occupations. This is what makes it a community. Thoughtful and community inclusive based rezoning should not only visit less impact on the infrastructure but respond to the needs, occupations (including the Arts Community) and new ways of interfacing with work and business. We have yet to understand the impact of Covid and how it will redefine ways of participating with work and home.

The Arts, by the way, is doing the work that has happened all over the city... a gentle, inclusive and productive way of improving local life and bringing business to restaurants and venues. This should be rewarded with protections and not tossed out after its "usefulness". Rezoning needs to be viewed with the lens of maintaining what are already our strengths as a locale and not just from the lens of profit for the few. The latter is shortsighted. We must support local manufacturing and the thriving community that is already here.

With best regards, Paula Hible

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PAULA HIBLE

 Brooklyn NY 11215

Preserve Gowanus for Residents & Businesses (Register Opposition to 9th Street Rezoning)

To: The NYC Department of City Planning is starting to review an application to rezone 9th Street between 2nd-3rd Avenues to allow for 9 story luxury apartments.

The NYC DCP should heed the concerns of the Brooklyn Community Board 6 Land Use Committee, NYC Councilmember Shahana Hanif, and many local residents and businesses and DISAPPROVE the current application of the Gatto Family trust to rezone 9th Street between 2nd-3rd Avenues in Gowanus, Brooklyn.

If approved, the 9th Street rezoning would:

- Force out long-time residents and replace current housing units with apartments at MUCH HIGHER rents.
- Threaten local businesses and jobs, including manufacturing, artists, and office spaces.
- Contribute to environmental problems, like overloaded sewers and street flooding.

If this proposal succeeds, we can expect more proposals on other blocks of Gowanus, displacing more residents and businesses, making our neighborhood even more vulnerable in the next major storm. The City spent decades creating a comprehensive plan for the neighborhood – and, this proposal is just the beginning of real estate developers’ efforts to chip away at that plan to make lots of money.

Why is this important?

The real estate developers are a powerful force in NYC, but the people of Brooklyn don't back down in the face of a threat to our communities.

We will share the signatures to this petition with the NYC Department of City Planning during their public review process. We will also share with Councilmember Hanif, Brooklyn Borough President Antonio Reynoso, and other local elected officials, to show them that the community is united in having a voice in the future in Gowanus.

Signed by 300 people:

Name	Zip code
Kathryn Krase	11215
Paul Basile	11215
irina edelstein	11215
Elizabeth Chan	11215
Anna Fikhman	11215
Julius Lang	11215
Maritza Quinones	11215
Kathleen Cahill	11234
Adine Schuman-Pusey	11215

Name	Zip code
Kristin Krase	11215-5110
Danielle Knappenberger	11215
Josh Knappenberger	11215
Maye-e Wong	11215
Karina Kliss	11215
Cecilia Barbosa	11217
Tyler Reid	43130
Mick Stevens	11217
Jevon Roush	11215
Lisa Hamilton	11215
Beth Lee Segal	11215
Katharine Ogg	11201
Grier Coleman	11215
Brian Guay	11215-3141
Cassidy Thompson	43220
Joseph O'dea	11215
Susan Meltzer	11215
Kate Meltzer	11215
Pamela Bennett	11226
Tom Ohara	13209
Miranda Sielaff	11231
Linda LaViolette	11231
Jack Riccobono	11232
Suzanne Nicoletti-Krase	11215
Frieda Lim	11215
Shahla Kayoud	11215
Katia Kelly	11231
Margaret Maugenest	11217
Steve Marcus	11231
Brad V	11215

Name	Zip code
Ben Meskin	11215
Penn Rhodeen	11231
lucy koteen	11238
Eli Fuchsberg	11215
Blake Sandberg	11220
Beth Morrow	11215
Katherine Beto	11215
Marlene Donnelly	11231
Cynthia Simmons	11231
Andrea Weller	11216
William Lienhard	11215
Ariel Zambelich	11215
Caroline Batzdorf	11215
Rowan Mcallister	11215
M Bates	11215
Dena Rakower	11215
Filip Verfaillie	11215
Shobha Manaktala	11215
Francis Bolton	11215
Aviv Roth	11215
B. S.	11215
Lili Wei	11215
Reginald Ferguson	11231
Jennifer Nelson	11215
Andrea Willardson	11215
Micah Herron	11215
Patrick Sweeney	11215
Ciara Murray Jordan	11215
Elizabeth Harwell	11215-2807
Melanie Schwarz	11215
Genevieve Herron	11215

Name	Zip code
Janet McAllister	11215
Margaret Kavanagh	11215
Anna Blake	11215
Zoe Lelas	55410
Jake Johnson	11215
Ed Condon	11215
Sandy Reiburn	11217
Juliet Nadis	11238
Dave Tavalin	10035
Robert Jester	11050
Stephanie Schwallie	11215
Logan McGraw	11215
Karlo L	11050
Maya Morrison	11238
Martin Bisi	11215
Erin Scottberg	11215
Joseph Alexiou	11238
Patricia Dorfman	11104
Mohammed Haque	10029
Karla Fisk	10034
Hadley Lord	06754
Laurie Garrett	11201-1685
Joyce King	11215
Buck McAllister	11215
Marguerite Lukes	11215
Karen McMullen	11238
Lucinda Knox	11215
Seth Hillinger	11231
John DiNardi	11215
PAULINE YEAP	11215
Piper Hoffman	11215

Name	Zip code
Naomi Hernandez	11215
Sara Azcona-Miller	11215
Alise Loebelsohn	11215
Gary Singer	11238
Estefania Mompean Botias	11215
Sonya Baehr	11215
Daniel Goldstein	11215
Andrew Cichon	11231
Mary Lou Houston	11201
Esther Blount	11238
bonnie ralston	11231
Abby Graf Subak	11203
Evaristo Jimenez	11215
Catherine Tsuji	11201
Cheryll ekster	11231
Victoria Hillstom	10013
Marge Othrow	11238-1804
Melissa Krawitz	10014
Barbara Auslander	11215
Mary Gerety	11215
Thomas Wacker	11215
Roslyn Huebener	11217
Renee Monroe	10012
Marjorie M Rothenberg	11215
Jon Wacker	27858
Manny Gomez	11377
Jessica Kaplan	11215
Chris Wacker	90803
Vera Finkemeier	11215
Laura Wacker	11215

Name	Zip code
Ophelia Tucker	11215
Mariama James	10038
Elizabeth Shelton	11232
Francesca Sebenick	11215
Daniel Pecoraro	11209
Katherine O'Sullivan	10034
Lena DeGloma	11215
Betsy Lewin	11205
Julie Quinton	11218
Beth Adams	11215
Ann McDermott	10028
Melanie Wacker	10463
Maya Bashner	11215
Barbara Bolton	11215
TL H	10038
Roberta Gelb	10011
Jonathan Herron	11215
Tori Leventhal	11215
Isabel Wacker	11215
Shannon Phipps	11249
Scott Albrecht	11215
Nora Almeida	11215
Charles Giraudet	11201
Julia Passof	11372
Chelsea Wagner	11231
Elly Spicer	11215
Anne Pruden	11238
S Yung	11231
Lauren Ingerman	11201
James Dietrich	11231
Judith Barnes	11201

Name	Zip code
Steven Lasson	11213
Sarah Benesch	11215
Alice Sandgrund	11215-4302
Lynne Ornstein	11215
Joyce Jed	11215
Bonne Mogulescu	11215
Scott Dare	11215
Dorothy Genevich	11215
Benjamin Maloney	70506
Eleanor Moretta	11215
Beth Kneller	11215
patricia ackerman	11215
Barbara Scharf	11231
Marilyn Segel	11218
nancy Richardson	11215-4325
Sarah Zahnstecher	11215
Rona Armillas	11238
Diana Voelker	11215
Barbara Hendra	11217
zoe gaby	11215
Tim Wacker	01950
carol sanjour	11215
Deborah Gressley	11217-3434
Margaret Kogan	11218
Debra Schoen	11953
mary pat Kane	11231
David Barthold	11215
Fannie Ip	10002
Ross Milligan Sr.	11901
Brent Kramer	11215
Ruth Price	11238

Name	Zip code
Christine Fitts	11231
Michael Padwee	11215
Janine Nichols	11238
Joseph Rosta	11215
Glenn Dewar	11105
Flo Rubinson	11215
Karen Krase	11215
Alice Ott	11215
Nicole Vergalla	11215
annie brock	82072
Ann Schaetzel	11215-3918
Lisa Lightbody	11215
Mary Beth Carroll	11218
Ricardo Pacheco	11372
Joan Lipton	11215
Carol Milano	11215
Joseph Enright	11230
Sean Arena	11385
Talya Davidoff	11231
Sonja Shield	10460
Sam Kenny	11215
isabelle fries	11215
Irene Newman	11215
Timothy Cohan	11217
Julia Cohan	11217
Delia Hernandez	11215
sandye renz	11215
Corrina MacKoul	11215
Michael Phillip	11215
Jane Carlin	11215
Bridget Buckley	11215
Mike Mccabe	11231

Name	Zip code
John Letizia	11215
yolanda caban	11215
Omayra Rivera	11215
Rachel Easterly	11217
Sheila Sobolewski	11215
Brandon Cutler	11201
Kathleen Marshall	11215
Sarah Moore	11215
Anna MacGillivray	11215
janet cohen	11215
Anthony Dardis	11215
Mitchel Ashley	11215
Suzanne Gabriel	11215
Joanna Leefer	11215
LAWSON SHADBURN	11215
Kate O'Connor Morris	11215
Allegra Gilfenbaum	11215
Maria Saladino	11215
Diana Robinson	11215
Sara Weil	11215
Ann Mc iver	11215
James Capraro	11215
Pamela Nocerino	11215
Arlene Bianchi	11215
Chris Grimm	11215
Marla Carlson	11215
Rosalie Friend	11215-3402
Kim Neuhaus	11215
Carol Oliver	11215
Nina Rosborough	11215
Ann Peck	11215

Name	Zip code
Anura Idupuganti	11215
Daniel Grunebaum	11215
Michael Esterowitz	11215
Samuel Henriques	11215
Patricia Buckley	11215
Michael Kilian	11231
Rachael Kilian	11231
Eric Zerif	11215
Barry Strugatz	11215
Pat Bernstein	11215
Pieter Bastemeyer	11215
Nancy Erickson	11215
Burnley Duke Dame	11315
Isabel Sanchez Sachs	11215
Martha Cameron	11215
Dorothy Callahan	11215
Molly Nolan	11215
Gisela Baurmann	11215
Patricia Brooks	11215
Sarah Kornbluth	11232
Sarah Strauss	11215
Robert LaBlanc	11215
Jennifer David-Lang	11215
Jeri Waldman	11215
Megan McKenna	11215
Sunny Koll	11215
Paula Hible	11215
carol milano	11215

Name	Zip code
Kelly Hastings	76092
SARAH BAYLISS	11215
Saeda Burke	11231
michael yabroudy	11215
Lizz Astor	11215
Pawel Wieclaw	11385
Beth Rudig	11215
Salvatore Basile	11215
Maria Pernice	11215
Bill Cahill	11215
Robert Noggle	78218
Rebecca Engler	55121
Julie Wolpow	11215
Zachary Gerbracht	57717
Melissa F.	95445
Dee Gee	11550-7202

From: [Robert Angel](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] Gowanus rezoning
Date: Thursday, September 22, 2022 9:06:07 AM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

For decades, the Gowanus community, with its mixture of commercial, manufacturing and residential uses, has called for the City's commitment to preserve our unique community character through infrastructure and transportation investment, as well as improvements to sewer and rainwater management. The current application would exacerbate existing problems, add additional complications, and does not provide for any mitigation of long-standing community concerns, including the need for more affordable housing.

I support an increase of affordable housing in Gowanus. However, the current proposal does not guarantee such an increase, and could result in a net loss of affordable units in the area. While the focus of the proposal is on an empty lot, the plan includes much more. If R7A zoning were instituted throughout the proposal area, dozens of current residents, many of whom are multi-generational Puerto Rican and Dominican-American families, would be pushed out of their homes. This rezoning proposal threatens nearly 40 rent stabilized units on both sides of 9th Street. Any proposal to rezone this area of 9th Street should focus on lower density residential development, with the highest requirements for affordable housing. This way, real estate developers will not be incentivized to displace long-time residents to maximize their profits.

I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an

Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

The larger Gowanus community recently experienced a massive, years-long, process through which a new vision for much of the neighborhood was determined through considerable discussion amongst community constituencies. That larger Gowanus rezoning specifically avoided this part of the neighborhood in order to facilitate a separate process that would allow for a focus on the area's unique needs, including protecting the businesses and related jobs that are central to the thriving Gowanus Industrial Business Zone. The NYC Department of City Planning adopted a plan in May 2021 to do just that: The Gowanus Industrial Business Zone Vision Plan. Adoption of the Gowanus IBZ Vision Plan would support expansion of jobs in this area of Brooklyn, while simultaneously increasing the number of residential units in the area. The Vision Plan actually envisions residential rezoning of this block of 9th Street, but at a lower density. Lower density residential zoning would mean decreased threats of displacement to residents and lower probability of exacerbating the existing environmental concerns.

I believe that approval of the current proposal would be a grave disservice to the residents and businesses of Gowanus. Approving the current proposal would thwart the current and long standing community dialogue aimed at intentional and thoughtful development in our neighborhood. That is why I am asking you to deny the application before you at this time, unless the applicant is willing to make significant modifications to meet our concerns.

Sincerely,
Bobby Angel



Sent from my iPhone

----- This message, and any attachments to it, may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any use, dissemination, distribution, copying, or communication of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by return e-mail and delete the message and any attachments. Thank you.

From: [Selene Milano](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Gowanus rezoning
Date: Thursday, September 22, 2022 9:03:00 AM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

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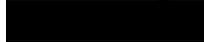
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Sincerely,
Selene Angel



Sent from my iPhone

From: [seth hillinger](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] Opposed to Ninth St Rezoning
Date: Thursday, September 22, 2022 1:28:21 PM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

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I also have significant concerns for the environmental implications of the current proposal. The entire proposal area is either in a flood zone, or neighboring the flood zone. Residents and businesses in the area consistently suffer significant damage from rain events, including losses experienced just last week. While the Gatto Trust has committed to "greening" and "bluing" any structure built on the empty lot, the current plan does not require such efforts throughout the proposal area, nor is there

any similar commitment from owners of the other lots on the block to do the same. Since only an Environmental Impact Statement was issued for the current proposal, and not an Environmental Assessment Statement, the community has significant concerns that the current proposal will exacerbate existing issues related to the rising water table and inadequate sewer infrastructure. Before making a commitment to add any amount of residential units to the proposal area, the City should require an Environmental Assessment Statement, and responsively improve flood zone infrastructure, or else it will be responsible for the negative repercussions to life and property.

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Susan Yung
[REDACTED]
Brooklyn, NY 11231
[REDACTED]

September 22, 2022

By email:

landusetestimony@council.nyc.gov

testimony@council.nyc.gov

District39@council.nyc.gov

Infobkcb4@gmail.com

AskReynoso@brooklynbp.nyc.gov

District39@gov

RE: NYC Council, Subcommittee on Zoning and Franchises Hearing Concerning 9th Street Rezoning

Having heard that there are 144 Brownfield sites within the Gowanus vicinity at the past CAG's Land Use Committee Meeting, I feel this means the need for air monitoring in each site IS AN APPALLING TASK. Already, there had been two major incidents that occurred this past summer where air monitors indicated high levels of toxic fume emanations from pile drillings and the public weren't informed. It took responsible individuals to take action.

- 1) on May 19th, the Huntington problem of illegal noise of piling pumps that caused toxic air pollution around playgrounds & Park vicinities by a developer. Local citizens had to contact city officials to file stop work orders to the developer.
- 2) on July 27th Children playing nearby the construction site had reported foul chemical smells emanating from Citizens MGP site to Assemblymember Jo Anne Simon's office. The smell had been around for several days and of course endangered young healthy children.

In both occasions local politicians had to coordinate with EPA (Federal) and DEC (City) departments to rectify the communication differences and then eventually inform the public of toxic waste leakages. Even installing air polluting meters did not prevent toxic poison emissions.

Since the Superfund bulkheads prevent the coal tar to enter the Canal's clean waters, the 100 foot coal tar moves towards residential buildings and rezoned sites along the Gowanus Canal. Doesn't this endanger the public welfares and private properties?

The City and EPA are unable to thoroughly extract the full coal tar wastes when only 2 feet of dirt are replenished. So when there are 144 Brownfield Sites operating simultaneously within the 20 block rezoned area as warehouses are torn down, I wonder when these 144 sites begin their more than 144x10 or 100 pilings simultaneously, will there be increased noise and toxic air pollutants occurring? And wouldn't it further disturb the underground streams that flow among the CSOs and coal tar, especially since the new bulkheads are blocking their flows into the Gowanus Canal? In addition, shouldn't the underground water streams be tested also for contamination and pollution of the coal tars before developer's start construction? Shouldn't there be a Hydrology Study to analyze the underground stream's new change in direction?

I wonder when these 144 x10s or x100 plus pilings begin that it'll be too late for "stop work orders"?

Thank you,
Susan Yung

From: [Tomas Almonte](#)
To: [Land Use Testimony](#); [Testimony](#); [District39](#)
Subject: [EXTERNAL] Subcommittee on Zoning and Franchises TESTIMONY FOR 9TH STREET GOWANUS BROOKLYN REZONING
Date: Wednesday, September 21, 2022 10:20:50 AM

As a resident of Gowanus, I urge the City Council to DENY the application of the Gatto Trust to rezone 9th Street between 2nd & 3rd Avenues, without significant modification. The current application is narrowly tailored in order to enrich a small group of people at the expense of a large swath of community members. Please support community involvement in the rezoning process, and require the applicant to address our concerns related to: 1) a potential loss of affordable units in the area, including displacement of long-time residents on the block; 2) negative environmental impacts of residential development in a flood zone; and 3) threats to the adjacent Industrial Business Zone (IBZ).

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