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**Testimony Submitted by NYS Assemblymember Jo Anne Simon  
to the NYC Department of City Planning  
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GOWANUS NEIGHBORHOOD PLAN**

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

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

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

At base, the challenge for this rezoning proposal and the area's current and future residents can be reduced to one word. **Climate**. Climate change. Climate justice. It's all about climate. And we ignore the significant climate concerns at our peril. We can't cover this up. We can't make believe that climate change won't happen. It is happening as we speak, and we all know it. This rezoning is taking place in one the most polluted areas of the country, which has been subjected to 150 years of contamination by industrial waste and raw sewage. Nearly the entire area is in a flood plain. There are so many variables that we can't control for in a large rezoning, let alone in a project of the size, complexity

and consequence of the Gowanus Superfund area rezoning, that we need as many tools as possible to control and shape a healthy and safe implementation as possible.

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

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

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

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

market trend was residential, and business equipment was shrinking, rapidly eliminating the market for large footprint back office spaces.

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

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

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

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

But until the EPA Superfund Cleanup has been completed, and the City has concurrently designed, constructed, and made operational the necessary CSO tanks to ensure the

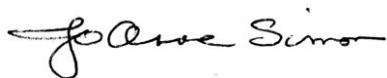
integrity of the Superfund remedy, to describe the Gowanus Canal as a wholly unique resource within a "...long-term vision of a thriving, inclusive, and more resilient Gowanus where existing and future residents and workers can participate in civic, cultural, and economic activities" is a stretch. I'd like for this statement to be true, but wishing doesn't make it so.

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

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

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

Thank you again for this opportunity to testify.



Jo Anne Simon