

## **GOWANUS REZONING RESOLUTION**

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

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

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

### **Accountability**

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

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

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<sup>1</sup> ULURP Numbers: C 210177 ZMK; N 210178 ZRK; C 210052 HAK; C 210053 PPK; C 210179 MMK; and C 210180 MMK.

Prior resolutions of the Board are collected in the attached Appendix.

<sup>2</sup> The framework for the Task Force builds upon models such as the Lower Manhattan Construction Command Center and the Sunset Park Task Force.

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

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

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

### **Combined Sewer Overflows**

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

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

***Compliance with EPA orders.*** The City has sought to delay compliance with its legal obligation to construct retention tanks to control CSOs and ensure that EPA efforts to clean up the Canal are not undermined by continued, uncontrolled sewer discharges. The Board demands that the City fully comply with the EPA's order to complete the retention tanks on the EPA-mandated

timeline, and the Board's conditional support for the Rezoning reflects its expectation that the EPA will vigorously enforce its orders and ensure that the City meets its obligations.

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

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

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

### **Environmental Remediation**

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

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

that the remediation is compatible with the proposed residential, educational, and recreational uses.

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

### **Gowanus Mix**

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

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

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

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

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

## **Housing**

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

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

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

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

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<sup>3</sup> As an example, a family of three at 40% AMI has a household income of \$42,960, under the 2021 New York City Area AMI.

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

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

### **Industrial and Workforce Retention and Development**

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

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

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

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

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

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

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

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

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

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

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

### **Municipal Services**

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

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

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

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



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

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

### **Open Space**

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

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

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

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

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

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

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

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

### **Public Health**

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

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

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

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

### **Public Housing**

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

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

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

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

### **Transit**

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

<sup>6</sup> See [5f5bc22d59be9-5f5bc22d59beaULI-NY-Gowanus-UDCW-Report-Final-spreads.pdf.pdf \(windows.net\)](https://www.uli-nyc.org/~/media/ULI-NY-Gowanus-UDCW-Report-Final-spreads.pdf?la=en&context=media&path=/reports/2017/2017%20UDCW%20Report%20Final%20spreads.pdf)

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

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

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

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

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

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

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

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

### **Waterfront Access Plan**

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

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

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

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

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

### **Zoning Tools**

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

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

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