

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RESILIENCY

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January 25, 2021  
Start: 10:03 a.m.  
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HELD AT: Remote Hearing (Virtual Room 1)

B E F O R E: Justin Brannan  
CHAIRPERSON

COUNCIL MEMBERS:  
Costa Constantinides  
Ruben Diaz, Sr.  
Debbie Rose  
Eric Ulrich

## A P P E A R A N C E S (CONTINUED)

Jainey Bavishi, Director  
Mayor's Office of Resiliency

Suzanne DesRoches, Deputy Director for  
Infrastructure and Energy  
Mayor's Office of Sustainability

Joseph Aykroyd, Assistant Commissioner for  
Technical Affairs and Code Development  
Department of Buildings

Karen Imas, Vice President of Programs  
Waterfront Alliance

Jalisa Gilmore, Research Analyst  
New York City Environmental Justice Alliance

Nicole Hernandez Hammer, Community Environmental  
Scientist  
UpRose

Paul Gallay  
River Keepers

Daniel Gutman  
Metropolitan Storm Surge Working Group

Catherin McVay Hughes  
Financial District Neighborhood Association



1 COMMITTEE ON RESILIENCY AND  
2 WATERFRONTS

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3 SERGEANT-AT-ARMS: All right. If we can  
4 get the recordings underway. I've got the PC  
5 recording underway.

6 SERGEANT-AT-ARMS: Recording is rolling.

7 SERGEANT-AT-ARMS: Chief Sergeant, are you  
8 going to do the backup?

9 SERGEANT-AT-ARMS: Backup is good.

10 SERGEANT-AT-ARMS: Thank you, sir. Good  
11 morning and welcome to today's remote New York City  
12 Council hearing of the Committee on Resiliency and  
13 Waterfronts. At this time, would all panelists  
14 please turn on their video? To minimize disruption,  
15 please silence your electronic devices and, if you  
16 wish to submit testimony, please do so at  
17 [testiont@Council.NYC.gov](mailto:testiont@Council.NYC.gov). Once again, that is  
18 [testimony@Council.NYC.gov](mailto:testimony@Council.NYC.gov). Thank you for your  
19 cooperation. We are ready to begin.

20 CHAIRPERSON BRANNAN: Thank you,  
21 Sergeant. Good morning, everyone. I'm Councilman  
22 Justin Brannan. Thank you for joining our virtual  
23 hearing today of the Committee on Resiliency and  
24 Waterfronts. I first want to acknowledge my  
25 colleagues who have joined me so far. Councilwoman  
Debbie Rose, Councilman Ruben Diaz Senior, and I

2 think that's all we've got for now, but we're  
3 expecting Councilman Constantinides and others. I  
4 now want to turn it over to our committee counsel,  
5 Jessica Steinburg Albin just to go over some  
6 procedural items.

7 COMMITTEE COUNSEL: Thank you, Chair  
8 Brannan. I am Jessica Steinberg Albin, counsel to  
9 the Resiliency and Waterfronts Committee of the New  
10 York City Council. Before we begin, I want to remind  
11 everyone that you will be on mute until you are  
12 called on to testify. You will be on muted by the  
13 host. I will be calling on panelists to testify.  
14 Please listen for your name to be called. I will be  
15 periodically announcing who the next panelist will  
16 be. The first panelist to give testimony will be  
17 Jainey Bavishi, director of the Mayor's Office of  
18 Resiliency. I will call you when it is your turn to  
19 speak. For the question and answer period only, we  
20 will also be joined by the Mayor's Office of  
21 Resiliency and Mayor's Office of Sustainability,  
22 deputy director for infrastructure and energy,  
23 Suzanne DesRoches and the New York City Department of  
24 Buildings, assistant commissioner for technical  
25 affairs and code development, Joseph Ackroyd. During

2 the hearing, if Council members would like to ask a  
3 question of the administration or a specific  
4 panelist, please use the zoom raise hand function and  
5 I will call on you. First, going by the sponsors of  
6 the bills we are hearing today and then in the order  
7 you have used the zoom raise hand function. We will  
8 be limiting Council member questions to five minutes  
9 which includes the time it takes to answer your  
10 questions. Thank you. I will now pass it to Chair  
11 Brannan to give an opening statement.

12 CHAIRPERSON BRANNAN: Thank you, counsel.  
13 I also want to acknowledge that we have been joined  
14 by my colleague, Councilman Costa Constantinides.  
15 Good morning, everybody. My name is Justin Brannan.  
16 I have the privilege of chairing the Committee on  
17 Resiliency and Waterfronts. I would like to welcome  
18 you all to today's virtual hearing. We are going to  
19 hear to bills today and to resolutions, which we are  
20 excited about. New York City faces significant  
21 threats from extreme weather events and high tides in  
22 the city will continue to experience greater and more  
23 frequent damage because of climate related weather  
24 events and sea level rise. Neighborhoods along the  
25 shore of Jamaica Bay, Flushing Bay, and the Eastern

1 shore of Staten Island, regularly experience title  
2 inundation now and this trend will only be  
3 exacerbated by continued sea level rise. New York  
4 State ranks third in the nation for the most homes at  
5 risk of coastal inundation by the end of this  
6 century. The city, with 520 miles of coastline, is  
7 particularly vulnerable to the impacts of sea level  
8 rise. Storm surge, and high tide or what they call  
9 sunny day flooding. According to scientists for the  
10 National Center for Atmospheric Research, the city  
11 will likely experience an increase in sea level rise  
12 twice the global average. Floods are the most common  
13 and most damaging natural disasters in the country,  
14 but coastal flooding caused by sea level rise is just  
15 want of the climate change hazards affecting the  
16 city's residential properties. Heat waves and severe  
17 rainstorms are becoming more and more intense and  
18 occurring more frequently. Heat waves kill more  
19 people than any other weather disaster and, because  
20 of the urban heat island effect, the city and its  
21 residents are extremely vulnerable to extreme heat.  
22 The Mayor's Office the Resiliency has stated that  
23 resilient design must become an integral part of the  
24 project planning process for city agencies and  
25

1 designers and that all new projects and substantial  
2 improvement should assess risks to climate hazards  
3 and their design insight. The climate resiliency  
4 design guidelines by the Mayor's Office of Resiliency  
5 is a guidance document that encourages city agencies  
6 to include forward thinking climate change data in  
7 the design of city capital projects to make them more  
8 resilient to all climate hazards. However, city  
9 agencies did not have to use these guidelines. They  
10 are advisory and not required. Today we will hear  
11 Intro 29-- Sorry. Intro 2092 By Council member  
12 Constantinides. This bill would require that the  
13 design principles and the climate resiliency design  
14 guidelines be applied to all city capital projects  
15 and that the city develop a climate resiliency score  
16 metric for capital projects. Once developed, all  
17 city capital projects would have to meet the required  
18 score for that project. We look forward to working  
19 with the administration on this important common  
20 sense bill. Floods are the most common and most  
21 damaging natural disasters in the country and New  
22 York City has more residents living in high risk  
23 flood zones they had in any other city in the United  
24 States. As climate change worsens and sea levels  
25

1 rise, the city's floodplain will continue to expand  
2 land word. This will lead to more flooding events  
3 and more property owners will see their properties  
4 inundated with floodwaters. Today we will also hear  
5 Intro 2198 by Council member Matteo. This bill would  
6 require that structures located within the floodplain  
7 the elevated to an additional one to two feet above  
8 what is currently required by the current city  
9 building code to make sure that the structures, which  
10 are highly susceptible to floodwaters, have  
11 additional flood proofing. By adding Freeport, which  
12 is the additional safety factor above the flood line,  
13 above which finished floors and critical systems of  
14 the building are placed, such properties would be  
15 protected from flood events. Now, property owners  
16 would be able to lower their annual flood insurance  
17 premiums. We must also continue to protect the  
18 people and property that are adjacent to our  
19 shorelines. Large-scale coastal resiliency projects  
20 are expensive. They can cost in the hundreds of  
21 millions to billions of dollars. Even before the  
22 pandemic, we did not have the resources to fund each  
23 coastal resiliency project necessary to protect the  
24 city's residents, visitors, and property and the  
25

1 money we have received from the federal government to  
2 fund these coastal resiliency projects is tied to a  
3 national emergency declared in response to a national  
4 disaster. Today we will hear my pre-considered  
5 resolution calling on Congress to amend the Stafford  
6 Act so that the Federal Emergency Management Agency,  
7 FEMA, and the US Department of Housing and Urban  
8 Development can proactively find coastal resiliency  
9 projects and not have to wait for a disaster to  
10 occur. Federal funds must not be tied to a severe  
11 weather event or national disaster. For every one  
12 dollar the federal government spends now on disaster  
13 mitigation, six dollars will be saved in the future  
14 disaster costs. How can we mitigate against future  
15 climate events if we are not forward thinking?  
16 Pursuant to the Stafford Act, the president may  
17 declare a national emergency in response to a  
18 national disaster. National emergencies were  
19 declared after Super storm Sandy and, more recently,  
20 in response to the Covid pandemic. FEMA and HUD can  
21 then use disaster relief funding to help states and  
22 city plan and construct coastal resiliency projects,  
23 but these funds are tied to disasters that have  
24 already occurred, not to disasters that we know will  
25

1 occur in the future. The Storm Act, which was signed  
2 into law on January 1, amends the Stafford Act to  
3 allow FEMA to fund a revolving loan fund that local  
4 governments can use for proactive mitigation  
5 projects. Although these funds are not tied to a  
6 disaster declaration, only \$100 million has been  
7 authorized to be allocated for 2022 and 2023. That  
8 is \$100 million to be divvied up among all states and  
9 Indian tribal governments for the next two years.  
10 The Storm Act as a step in the right direction, but,  
11 clearly, it is not enough. The federal government  
12 can and must do better. We also need the US Army  
13 Corps of Engineers to complete the New York New  
14 Jersey Harbor and Tributaries Study, or HAT study.  
15 And they have to fund coastal storm protection  
16 measures for New York City. My resolution that we  
17 will hear today calls on Congress to fully restore  
18 funding for the HAT study, a multiyear study of  
19 different water and land based coastal storm  
20 protection measures that was suspended back in  
21 February 2020 when the former president pulled the  
22 funding for it. The good news is that the  
23 consolidation-- Consolidated Appropriations Act of  
24 2021, which was signed into law at the end of  
25

December, requires the US Army Corps of Engineers to complete the HAT study and to address the sea level rise, as well as consult with communities in the affected areas along the shore. This is an excellent first step, however, studying does not equal action in the US Army Corps of Engineers can still decide to end this project after this study is complete. We must continue to call on Congress and the US Army Corps to proactively address the effects of climate change, especially sea level rise, and take concrete steps to protect our vulnerable communities. I look forward today to hearing from the Mayor's Office of Resiliency. Before we begin, I couple of course, want to thank my committee staff. Committee counsel, Jessica Steinberg Alpine, senior policy analyst Patrick Mulvihill, senior finance analyst, Jonathan Seltzer. My Chief of Staff, Chris McCreight, and my deputy Chief of Staff Kayla Santosuosso [sp?], for all their hard work in putting today's hearing together. I will now turn it over to my great colleague, Council member Constantinides, to give an opening on his bill, Intro 2092.

COUNCIL MEMBER CONSTANTINIDES: Thank you, Chair Brannan, and thank you for all that you

1 are doing and please add me to the pre-considered  
2 resolution as a cosponsor. Thank you for the great  
3 work that you are doing and definitely miss you and  
4 wish this hearing was at 250 or at City Hall. But  
5 not to be yet. You know, as a city on the sea, we  
6 are, literally, on the front lines of the fight to  
7 [inaudible 00:12:26]. We have made great strides in  
8 making our city more sustainable, but the reality is  
9 that we must case scenarios. As we saw during  
10 hurricane Sandy, much of our infrastructure is not  
11 yet prepared to deal with the worst impacts of  
12 climate change. That is why it is so critical we set  
13 resiliency standards on everything we build in New  
14 York City. Over the last few years, as you  
15 referenced, the Mayor's Office of Resiliency has put  
16 together a set of climate resiliency design  
17 guidelines for city projects for using maximum  
18 resiliency. For example, reflective surfaces,  
19 designing ventilation for extreme heat or expanding  
20 drainage systems. But these are just guidelines and  
21 not yet mandatory for city project. And that really  
22 has to change. Climate planning must be the  
23 cornerstone of everything we do. If we have to ask  
24 if something can be built with resiliency or  
25

sustainability in mind, then it has to go back to the drawing board. And that is where 2092 comes in. It requires the city to create a pilot program for climate resiliency design guidelines. I think it is fair to say that we have got a good head start on this one and wants the guidelines are complete, the city must create a metric. A scoring metric for projects that set a minimum standard for resiliency that every subsequent project must meet. In their report on the creation of waterfront edge design guidelines, or WEDG, the waterfront alliance notes that we have spent more than 47 billion in claims through the national flood insurance program since 1978. 40% just coming in the last 10 years and we lose an average of nearly 80 acres in coastal wetlands a year or due to development and sea level rise. Criteria like WEDG with the city's design guidelines cannot be considered an option box to check anymore, but must literally and figuratively be the foundation of everything we build on from here on out. By mandating design guidelines through comprehensive borough resiliency planning and creating new climate indicators, we can truly make 2020 1B the year of resiliency. Again, I want to

2 thank my brother, Chair Justin Brannan, for his  
3 steadfast partnership on these issues. Jainey  
4 Bavishi and her whole team at MO are for getting the  
5 ball rolling on the creation of these guidelines and  
6 their great work, and everyone at the Rise to  
7 Resilience Coalition for their advocacy. Thank you  
8 very much.

9 CHAIRPERSON BRANNAN: thank you, Costa.  
10 We are now going to turn it back over to our  
11 moderator, the counsel, Jessica Steinberg Albin.

12 COMMITTEE COUNSEL: Thank you, Chair  
13 and thank you, Council member Constantinides. We  
14 will now call on members of the administration to  
15 testify. First, Jainey Bavishi, director of the  
16 Mayor's Office of Resiliency. For the question and  
17 answer period only, we will also be joined by Suzanne  
18 DesRoches, deputy director for infrastructure and  
19 energy from the Mayor's Office of Resiliency and  
20 Abuse Office of Sustainability, and Joe Aykroyd,  
21 Assistant Commissioner for technical affairs and  
22 coded development from the New York City Department  
23 of Buildings. Before we begin, I will administer the  
24 oath. Director Bavishi, deputy director DesRoches,  
25 and assistant commissioner Aykroyd, I will call on

2 each of you individually for our response. Please  
3 raise your right hand. Do you affirm to tell the  
4 truth, the whole truth, and nothing but the truth  
5 before these committees, and to respond honestly to  
6 Council member questions? Director Bavishi?

7 DIRECTOR BAVISHI: Yes.

8 COMMITTEE COUNSEL: Deputy Director  
9 DesRoches?

10 DEPUTY DIRECTOR DESROCHES: Yes.

11 COMMITTEE COUNSEL: Assistant  
12 Commissioner Aykroyd?

13 ASSISTANT COMMISSIONER AYKROYD: Yes.

14 COMMITTEE COUNSEL: Thank you.

15 Director Bavishi, you may begin when ready.

16 DIRECTOR BAVISHI: Good morning. I am  
17 Jainey Bavishi, director of the Mayor's Office of  
18 Resiliency. I would like to thank Chair Brannan and  
19 Council members Constantinides, Diaz, Ulrich, and  
20 Rose. I am pleased to join Council this morning to  
21 discuss two important bill introductions and to share  
22 context about the city's ongoing efforts to increase  
23 the short-term and long-term resiliency of buildings  
24 and infrastructure in the face of growing climate  
25 threats. It is well-known that, following hurricane

1 Sandy, the city began developing plans for large-  
2 scale coastal resiliency projects. On a parallel  
3 track, the city also began and embarking on less  
4 publicized, but equally vital efforts to increase the  
5 resiliency of public and private buildings, as well  
6 as the infrastructure that serves all New Yorkers.  
7 These efforts began with reforms to strengthen  
8 appendix G of the New York City building code in  
9 2014. Driven by a shared desire to make new  
10 construction safe for and more resilient, the Mayor's  
11 Office worked with counsel to develop and pass a  
12 package of new standards. These standards, which  
13 remain in place today, are among the most stringent  
14 building codes anywhere in the country. In the  
15 aftermath of hurricane Sandy, the city also adopted  
16 temporary emergency zoning rules that made it easier  
17 for New Yorkers to rebuild quickly while increasing  
18 their resilience against future flooding and giving  
19 homeowners more ways to reduce their flood insurance  
20 costs. These temporary rules were popular and  
21 effective in Sandy impacted communities and provide  
22 an excellent example of how the city can encourage  
23 private sector resiliency investments. The  
24 Department of City planning is now in the process of  
25

1 updating those rules with lessons learned and making  
2 them permanent through a proposal known as Zoning for  
3 Coastal Flag Resiliency. On February 3, the City  
4 Planning Commission will hold a public hearing on  
5 this proposal. Following this hearing, the Council  
6 will have an opportunity to hear and vote on the  
7 proposal. As you know, flood mapping is another  
8 important component of climate adaptation planning.  
9 Like virtually every other city in the United States,  
10 New York City currently relies on FEMA as flood  
11 insurance rate maps, or firms, for planning purposes.  
12 However, these maps are insurance maps and although  
13 they are currently used for building code and design,  
14 they have significant limitations. The most  
15 significant being that they only represent present-  
16 day risk. This makes sense for setting flood  
17 insurance rates since premiums are determined based  
18 on the risks we face today or this year and can be  
19 recalculated on an annual basis. However, as we plan  
20 for constructing new buildings, we must consider  
21 future threats, since most buildings have a lifespan  
22 of many decades. We must consider flood risk across  
23 the entire useful life of an asset or building. To  
24 address this problem, my office is working to develop  
25

1 a first of its kind future flood risk map for New  
2 York City that will incorporate climate projections  
3 through 2100. We are starting the modeling process  
4 now and when these maps are complete, we will work  
5 with Council and DOB to find out how to best  
6 integrate these maps into the building code. This  
7 would result in codifying higher building elevation  
8 requirements that are extremely precise for all  
9 floodplain construction in New York City. Finally,  
10 as Council is already aware, my office has developed  
11 the climate resiliency design guidelines which  
12 provides guidance on how to incorporate forward-  
13 looking climate change data in the design and  
14 construction of city capital projects., The  
15 guidelines were developed through a collaborative  
16 process with over 20 city agencies and authorities.  
17 Due to the participation and feedback with agency  
18 partners over the last five years, the city is now  
19 prepared to pilot the guidelines more broadly. These  
20 guidelines, now in their fourth iteration, or a  
21 critical tool for incorporating resiliency across the  
22 city's \$90 billion capital portfolio. By developing  
23 and coordinating a citywide methodology for  
24 integrating resilient design in public buildings and  
25

1 infrastructure, we can ensure that our public  
2 investments are durable, long-lasting, and serve  
3 critical functions for New Yorkers, despite the  
4 threats posed by extreme weather and chronic climate  
5 stresses. No other city in the country comprehensive  
6 multi-hazard design guidelines in the adoption of the  
7 guidelines by city capital agencies represents an  
8 important opportunity for New York City to continue  
9 its national leadership on climate adaptation issues.  
10 The climate resiliency design guidelines address the  
11 extreme weather threats and increasing chronic  
12 climate stresses that pose the greatest risks to city  
13 capital construction. These include hazards caused  
14 by storm surge, chronic tidal flooding, increased  
15 precipitation, and extreme heat. The guidelines are  
16 essential for protecting the city's facilities from  
17 extreme weather damage and, in doing so, will save  
18 taxpayers money and improve the city's overall fiscal  
19 health. While I am extremely proud of our work to  
20 increase the resiliency of buildings and  
21 infrastructure, there is no question that we must do  
22 more. As the past year clearly demonstrated, climate  
23 change is not letting up. Global temperatures keep  
24 rising and 2020 was the second hottest year on  
25

record. Hurricane season is also growing more intense and more dangerous with last year's being the most active on record. With this in mind, we look forward to working closely with Council on both bill introductions being heard today. We support the intent of Intro 2092, which would mandate a five-year pilot of the climate resiliency design guidelines for public facilities and create a resiliency scoring system for these facilities. We believe beginning with a five-year pilot is a critical first step that will allow the city to collect the necessary information on real-world benefits and costs of implementing the guidelines, given the wide variety of assets in the city and capital portfolio. These lessons will inform an updated version of the guidelines, the scoring system, as well as possible future design mandates. Starting with the pilot phase will manage upfront costs during the current fiscal crisis and we look forward to designing a pilot program that reflects the realities of the city's budget constraints while producing meaningful results. We also look forward to working closely with Council on Intro 2198. We support the intent of this bill and, and Council for seeking opportunities

2 to continue strengthening requirements for new  
3 buildings. That being said, we want to ensure that  
4 Intro 2198 is coordinated with the extensive ongoing  
5 work I have just described. In particular, we want  
6 to ensure any new requirements are consistent with  
7 the version 4.0 of the climate resiliency design  
8 guidelines and consider the Department of Buildings'  
9 upcoming code revision proposal, which will include  
10 increased freeboard requirements in Appendix G.  
11 Additionally, any increase in freeboard should be  
12 coordinated with our groundbreaking future flood risk  
13 snap project. We are eager to provide feedback and  
14 recommendations that advance these critical tools  
15 that will make New York City stronger and more  
16 resilient. In conclusion, I would like to thank the  
17 Committee on Resiliency and Waterfronts for allowing  
18 the administration to testify here today. I look  
19 forward to your questions along MOR's deputy director  
20 for infrastructure and energy, Suzanne DesRoches, and  
21 our colleague, Joe Aykroyd, assistant commissioner  
22 for technical affairs and code development at the  
23 Department of Building.

24 COMMITTEE COUNSEL: Thank you, Director  
25 Bavishi. I will now turn it over to questions from

2 Chair Brannan. For these questions, we will  
3 additionally be joined by deputy director for  
4 infrastructure and energy, Suzanne DesRoches, from  
5 the Mayor's Office of Resiliency and Office of  
6 Sustainability, and Assistant Commissioner for  
7 technical affairs and code development, Joe Aykroyd,  
8 from the New York City Department of Buildings.  
9 Panelists, please stay on muted, if possible, during  
10 this question and answer period. As a reminder, if  
11 Council members other than Chair Brannan, would like  
12 to ask a question of the administration or a specific  
13 panelist, please use the zoom raise hand function and  
14 I will call on you. First, going by the sponsors of  
15 bills we are hearing today and then in the order you  
16 have used the zoom raise hand function. We will be  
17 limiting Council member questions to five minutes,  
18 which includes the time it takes to answer your  
19 questions. Thank you. Chair Brannan, please begin.

20 CHAIRPERSON BRANNAN: Thank you, counsel.  
21 I want to ask you a couple questions and then I want  
22 to give it to the bill sponsor to ask. So, the  
23 Mayor's office of-- hi, Jainey. Good to see you.

24 DIRECTOR BAVISHI: Good to see you, too.

2 CHAIRPERSON BRANNAN: The Mayor's office  
3 of Resiliency recently published, as we were staying,  
4 the version 4.0 of the resiliency design guidelines  
5 which are nonbinding in discretionary. I know that  
6 MOR also recognizes that heat, sea level rise, and  
7 precipitation should be considered in the design and  
8 construction of buildings and infrastructure in the  
9 future. In light of all this, do you feel as-- does  
10 the administration feel that all city capital project  
11 should meet the specified climate resiliency  
12 criteria?

13 DIRECTOR BAVISHI: Thank you for the  
14 question, Chair Brannan. So, let me just take a step  
15 back and just make sure everyone understands exactly  
16 what the climate resiliency design guidelines are and  
17 how far we have come in the implementation of the  
18 guidelines so far. So, as I mentioned in my  
19 testimony, the climate resiliency design guidelines  
20 were first introduced by MOR in 2017 and they  
21 establish guidance that ensures city infrastructure  
22 and facilities are prepared to withstand the future  
23 impact of extreme weather and the chronic impacts of  
24 the climate change that we face, such as tidal  
25 flooding. So, applying the guidelines across the

1 city's entire capital program will ensure that all  
2 new public buildings and infrastructure are flood  
3 proved and equipped to manage extreme heat waves.  
4

5 And this will strengthen our buildings infrastructure  
6 while also saving millions of dollars by reducing  
7 costly damage from extreme weather. And as he  
8 mentioned just now in your question, as well as your  
9 opening remarks, adoption of the guidelines thus far  
10 is currently voluntary. We are pleased that several  
11 agencies have started to incorporate components of  
12 the guidelines into their planning efforts. Some of  
13 these agencies, for example, include DEP who  
14 incorporates guidelines related to sea level rise  
15 into their standard operating procedure across all  
16 capital projects. HPD integrates guidelines into--  
17 the guidelines into their green building framework  
18 and DCP uses the guidelines during their front end  
19 planning process. But, as he mentioned, this Intro  
20 would kick off a pilot program that will be really  
21 important because this is really a new kind of  
22 capital planning for the city and it will give us a  
23 chance to really understand how these guidelines  
24 apply to a variety of capital projects that the city

2 designs and constructs and also understands the cost  
3 of those resiliency measures.

4 CHAIRPERSON BRANNAN: Thank you. Can you  
5 give us an idea of some insight into which agencies  
6 have been at the table when collaborating on design  
7 and construction guidelines like this?

8 DIRECTOR BAVISHI: Virtually every capital  
9 agency in the city government has been at the table  
10 in developing the guidelines and refining them over  
11 the last several years. So, agencies like EDC, DEP,  
12 DOT, HPV, as well as authorities in the city  
13 government like SCA, NYCHA, EDC. And that was not a  
14 complete list, but it was just some examples of the  
15 agencies that have been involved.

16 CHAIRPERSON BRANNAN: Has priority been  
17 given to four projects selected for the pilot, has  
18 priority been given to environmental Justice  
19 communities?

20 DIRECTOR BAVISHI: Well, we haven't piloted  
21 the guidelines yet. That is what would happen in if  
22 this is Intro--

23 CHAIRPERSON BRANNAN: Is that a good  
24 idea?

2 DIRECTOR BAVISHI: I think that is a great  
3 idea. That is something that we would be happy to  
4 discuss.

5 CHAIRPERSON BRANNAN: Okay. Yeah. I  
6 mean, that is obviously always been a huge issue for  
7 me. You know, these are the folks who are on the  
8 front lines on this fight and so we have to make sure  
9 that their communities are centered in whatever we  
10 do. With the release of the pre-land, the  
11 preliminary budget, are you aware of any major  
12 capital funding changes to any of the current or new  
13 resiliency projects? Due to budget deficit?

14 DIRECTOR BAVISHI: None of that capital  
15 projects that are currently applying the guidelines  
16 are being affected by the current budget situation as  
17 far as we know.

18 CHAIRPERSON BRANNAN: Okay. I mean, so  
19 they haven't come to you and said to find savings  
20 anywhere in that or you are not aware of anything  
21 like that?

22 DIRECTOR BAVISHI: Not the projects that  
23 are currently applying the guidelines. No.

24

25

2 CHAIRPERSON BRANNAN: Okay. Do we have  
3 any new news for new or resilient But all projects  
4 along the waterfront?

5 DIRECTOR BAVISHI: news about new  
6 resilience capital projects along the waterfront, no.  
7 I don't have anything to report right now.

8 CHAIRPERSON BRANNAN: Okay. So, as far  
9 as you know, everything that is already in the  
10 pipeline is secure, but we don't have anything new  
11 yet.

12 DIRECTOR BAVISHI: Right. Again, in terms  
13 of projects that are applying the design guidelines--  
14 and I just want to-- maybe the one important  
15 distinction here that it is important to bring out  
16 which is that I want to be clear that the climate  
17 resiliency design guidelines do not currently apply  
18 to coastal protection projects and I just want to be  
19 clear about this. Coastal protection projects  
20 typically protect entire neighborhoods and these  
21 projects are extremely technically complex and can  
22 cost hundreds of millions of dollars. The climate  
23 resiliency design guidelines apply to individual  
24 buildings and pieces of infrastructure. So, even  
25 though these guidelines and projects that the

2 guidelines apply to and coastal protection projects  
3 operate at different scales, both of these solutions  
4 are needed to increase resiliency. And, you know, we  
5 want to make sure that we are advancing both of these  
6 types of solutions simultaneously in order to really  
7 meet our overall goal of establishing multiple lines  
8 of defense for our communities.

9 CHAIRPERSON BRANNAN: So, what's the--  
10 And then I want to turn it over to Costa. What is  
11 the plan to engage the public regarding that types of  
12 climate resilient capital projects in their  
13 communities?

14 DIRECTOR BAVISHI: I'm sorry. Could you  
15 repeat the question?

16 CHAIRPERSON BRANNAN: Sure. So, how has  
17 or how will and will MOR or other relevant city  
18 agencies engage the public regarding the type of  
19 climate resilient projects to be built in their  
20 community?

21 DIRECTOR BAVISHI: Around the climate  
22 resiliency design guidelines? We would be happy to  
23 talk to you about this. I think, you know, we are  
24 committed to communicating applying resiliency  
25 principles across a variety of projects and programs

2 across the city and we would certainly appreciate  
3 your input on how best to communicate that to  
4 communities.

5 CHAIRPERSON BRANNAN: Okay. I just want  
6 to make sure that we are engaging with, you know, the  
7 EJ communities and not just sort of cooking this up  
8 in a board room somewhere and then rolling it out and  
9 then the EJ communities have to then say, now. We  
10 don't like it. I would rather avoid that and have  
11 them at the table from the get go.

12 DIRECTOR BAVISHI: Absolutely. And I  
13 believe the legislation actually requires engagement  
14 with the public and members of the public and experts  
15 which we are, of course, committed to doing. And it  
16 also requires that 30% of the pilots are implemented  
17 in environmental Justice communities.

18 CHAIRPERSON BRANNAN: Okay. Costa?

19 COUNCIL MEMBER CONSTANTINIDES: Yeah. I  
20 am here, brother.

21 CHAIRPERSON BRANNAN: You got questions?

22 COUNCIL MEMBER CONSTANTINIDES: Yes, sir.

23 CHAIRPERSON BRANNAN: Go for it.

24 COUNCIL MEMBER CONSTANTINIDES: All  
25 right. So, Jainey, always good to see you and it is

2 good to see you on zoom and not on text. But thank  
3 you for all the great work that you are doing. So,  
4 just to be clear, when we spend money on resiliency,  
5 it is actually cheaper to kind of baking it into the  
6 cake, right? When we are doing these capital  
7 projects, then it is to go back and retrofit later  
8 on, correct?

9           DIRECTOR BAVISHI: Absolutely. You know,  
10 our goal is to build a culture of resiliency. We  
11 need to be considering resiliency ultimately in every  
12 city action and investment and the climate resiliency  
13 guidelines are really an important tool to ensure  
14 that we are accounting for future climate threats and  
15 all of our capital investments. It is certainly  
16 cheaper to consider those climate risks upfront in  
17 the design and construction of capital projects than  
18 to go back and retrofit later.

19           COUNCIL MEMBER CONSTANTINIDES: So, these  
20 guidelines and making them mandatory would actually  
21 save the city money in the long run, right? So, we  
22 are not talking about posing-- this bill doesn't  
23 impose undue costs on the city. It is actually going  
24 to be something that is going to save the city money  
25 over the next 10 or 15 years because you are not

2 going to have to go back and make them resilient  
3 later on. So, this isn't the bill that is going to  
4 add costs. You know, it may add a little bit of  
5 cost, possibly, in the upfront, but it is going  
6 actually save us money in the long run which is what  
7 we should be thinking about having a limited budget,  
8 correct?

9           DIRECTOR BAVISHI: That is absolutely right  
10 and I think that, during the pilot period, we will be  
11 able to better quantify some of those costs because  
12 we will be able to apply the guidelines to a  
13 diversity of capital projects. So, it will help us  
14 to really put some numbers to that concept.

15           COUNCIL MEMBER CONSTANTINIDES: Now, just  
16 to go off topic for a second, just how is MO are  
17 funded? Like how would the-- you know, how  
18 additional funding? How long are you going to be  
19 able to sort of keep running on what you are doing?  
20 Like how long will you be able to continue to do this  
21 work like this really important work that we need to  
22 get done for the city?

23           DIRECTOR BAVISHI: MOR is currently funded  
24 with post-Sandy CDBGDR federal grant dollars.

2 COUNCIL MEMBER CONSTANTINIDES: So, when  
3 those monies-- if those monies were to run out, then  
4 we would have to find funding for MOR elsewhere  
5 through the city budget. Is that what you are  
6 saying?

7 DIRECTOR BAVISHI: That's right.

8 COUNCIL MEMBER CONSTANTINIDES: Okay.  
9 That is concerning. That is very concerning. Yeah.  
10 We need to do that. Just quickly go back to the  
11 bill, because I know I'm on the clock. Just what  
12 sort of-- what sort of climate experts do you  
13 consult? What are their recommendations around these  
14 guidelines?

15 DIRECTOR BAVISHI: I think there is broad  
16 support for the guidelines. You know, I think  
17 someone said it in their opening remarks, but this is  
18 quite common sense and so, you know, we have been--  
19 I think we have received broad support from climate  
20 experts, as well as the advocacy community about the  
21 idea of incorporating future climate risks in  
22 considering those future climate risks in the  
23 science-based way across our capital portfolio.

24 COUNCIL MEMBER CONSTANTINIDES: So, it  
25 just makes sense to do this. You know, it is just

1 common sense that, you know, there is no one who is  
2 saying that it is something we should be doing and it  
3 shouldn't be left up to individual agencies to pick  
4 and choose, right? In the 21st century, we shouldn't  
5 be leaving it up to whether someone decides to pull  
6 the guidelines out of the book or not. It should be  
7 mandatory is really the way we should be going,  
8 right?

10 DIRECTOR BAVISHI: Right. And then, the  
11 guidelines do offer some flexibility, right? Not  
12 every city infrastructure or building project will  
13 encounter the same climate threats or impacts and,  
14 you know, it depends on the location that they are in  
15 and what exactly the type of infrastructure project  
16 it actually is. And so, the guidelines account for  
17 that and offer that flexibility. You know, and I'm  
18 just going to turn it over to my colleague, Suzanne,  
19 to also speak about what we have been hearing from  
20 experts.

21 SUZANNE DESROCHES: Thanks, Jainey. I  
22 wanted to add just a little bit of flavor into the  
23 experts. So, as Jainey mentioned in her testimony,  
24 we have been developing these guidelines for a number  
25 of years. We really wanted to ensure both that the

2 design community and the scientific community were  
3 aligned and so we spent a lot of time working with  
4 the NPCC, so, the New York City Panel on Climate  
5 Change and other engineering and architectural  
6 experts to ensure that the information we are  
7 providing is understandable and adoptable and a very  
8 like right out of the gate. So, that has been a  
9 great process. I know that we have spoken with RPA  
10 and AIA and a number of groups that I believe will be  
11 submitting testimony today. There is widespread  
12 understanding that we should not be utilizing  
13 historical weather data to build new infrastructure  
14 and facilities. And so, adopting this forward-  
15 looking climate data is really critical.

16 COUNCIL MEMBER CONSTANTINIDES: Yes.

17 Sorry about that. I muted myself by accident there,  
18 but--

19 SUZANNE DESROCHES: No problem.

20 COUNCIL MEMBER CONSTANTINIDES: But that  
21 is pretty 2020, 2021 these days. But, yes. So, I  
22 mean, just I don't want to belabor the point. It  
23 looks like these guidelines make a lot of sense. I  
24 think that I look forward to partnering with you on  
25 them. I am going to pass it, at this point, back to

2 Chair Brannan, but I am very concerned about this MOR  
3 funding stream issue and I think, you know, as we  
4 look at the city budget, we definitely have to make  
5 sure that MO water is kept. You know, we can't all,  
6 you know-- in a 21st-century city where, you know,  
7 we just dealt with-- usually I am proud of my Greek  
8 heritage, but we just had, you know, Greek-- we had  
9 to go into the Greek alphabet for storms this past  
10 year. That frightens me. So, to lose MO are would  
11 be a huge loss for the city, so I am absolutely  
12 concerned about losing that funding stream and how we  
13 move forward. So, Chair Brannan, I pass it back to  
14 you and thank you for the time allotted to ask the  
15 questions.

16 CHAIRPERSON BRANNAN: Yeah. Costa, right  
17 on. I share that concern. You know, obviously we  
18 can't-- I would like to think that 2021 we moved  
19 past the idea that, you know, focusing on climate  
20 change is some sort of thank, you know, is a luxury.  
21 I mean, it is an existential threat. It needs to be  
22 prioritized. I mean, obviously, we will help you in  
23 that fight, but it shouldn't be something that is in  
24 jeopardy. And needs to be baseline, really. I  
25 wanted to talk a little bit about In trial 2198,

2 Councilman Matteo's bill on the floodplains. We have  
3 learned how important it is that structures that are  
4 located in the floodplain be elevated above the base  
5 flood elevation to provide additional flood proofing.  
6 Do you agree that additional freeboard, more than  
7 what the building code currently requires, is  
8 necessary?

9           DIRECTOR BAVISHI: Thanks for the question,  
10 Chair Brannan. In general, you know, we are  
11 supportive of strengthening our building code to  
12 ensure that it is as resilient as possible. With  
13 Intro 2198, we just want to make sure that all  
14 resiliency standards for new construction utilize the  
15 best available science and reflect risk as accurately  
16 as possible. And, in that vein, we just want to make  
17 sure that the bill is coordinated with the climate  
18 resiliency design guidelines, the future flood maps,  
19 as well as the building code update that is coming up  
20 that will include some updates to Appendix G.

21           CHAIRPERSON BRANNAN: I mean, what other  
22 options to property owners have to make their  
23 properties safe from a flood event besides raising  
24 it?

2 DIRECTOR BAVISHI: There are a number of  
3 options that property owners have to make their  
4 buildings safer. Maybe I will pass it off to my  
5 colleague, Assistant Commissioner Aykroyd, to fill in  
6 some details here.

7 ASSISTANT COMMISSIONER AYKROYD: Sure.  
8 Thank you for the opportunity to speak here and the  
9 department really does share city Council's goal of  
10 making new buildings more resilient. Your question  
11 with regard to what additional measures can property  
12 owners take to make buildings more resilient, there  
13 are, you know, retrofits to plumbing systems that  
14 could be helpful. So, backflow prevention devices  
15 can help to ensure that, when the city's sewer system  
16 is surcharged in a storm event, that, you know,  
17 subgrade spaces like basements don't become flooded.  
18 So, this is a commonsense alteration that can assist.  
19 Also, I think getting additional insurance to ensure  
20 that damages that do occur can be addressed  
21 financially is an important measure that is sometimes  
22 overlooked. I think those are a few examples.  
23 Without, you know, a full scale elevation, there is  
24 also converting spaces that are subject to flooding.  
25 You know, without or that are below the base flood

2 elevation, maybe converting them to parking or  
3 storage or building access as opposed to using them  
4 as habitable spaces. So, those are some  
5 possibilities.

6 CHAIRPERSON BRANNAN: I mean, how can we  
7 help homeowners that can't afford flood insurance?

8 DIRECTOR BAVISHI: You know, we have been,  
9 you know, working to advocate for reforms to the  
10 flood insurance program at the federal level so that  
11 they are really focused on a homeowner's ability to  
12 pay. One of the reforms that we have been advocating  
13 for for several years-- and New York City is really  
14 a leader in this advocacy, is the use of means tested  
15 vouchers. Means tested vouchers would set rates  
16 based on people's ability to pay, rather than just  
17 based on the maps themselves. We think affordability  
18 must be a centerpiece of the flood insurance program  
19 and that is why we have been really leading some of  
20 this advocacy at the federal level to make those  
21 changes to the flood insurance program.

22 CHAIRPERSON BRANNAN: I mean, should we  
23 continue to build homes and businesses in areas that  
24 regularly flood now?

2           DIRECTOR BAVISHI: you know, I think that  
3 there are sort of two ways to think about it. Aware  
4 you build matters, but also how you build matters and  
5 so, you know, the how you build question is really  
6 the focus of this hearing because we are talking  
7 about design guidelines and this idea of implementing  
8 additional freeboard. So, you know, the more  
9 stringent design standards, either through code or  
10 through a mandate of the guidelines will certainly  
11 help in a big way to ensure that the facilities that  
12 we are building in risky areas are as safe as  
13 possible.

14           CHAIRPERSON BRANNAN: Yeah. What about  
15 building in areas that we project will flood  
16 regularly 10, 20, 50 years from now? What should we  
17 do?

18           DIRECTOR BAVISHI: We have, you know-- I  
19 think I'll answer this in two way. One is that, in  
20 terms of private construction in areas that are  
21 already experiencing regular tidal flooding, we have  
22 created a special zoning designation called Special  
23 Coastal Risks Districts which limits density in those  
24 areas. So, we are acknowledging that, you know,  
25 these areas are particularly risky and, rather than

1 intensifying any further, we want to make sure that  
2 we are limiting density as a resiliency measure. In  
3 the guidelines themselves, we have also created-- we  
4 have also stipulated that those facilities or  
5 infrastructure that are being built in the highest  
6 percentile. You know, the most risky areas. They  
7 should consider new locations because of their risk  
8 for regular tidal flooding. I'm going to pass it off  
9 to my colleague, Suzanne, to add a bit more detail on  
10 that.  
11

12 SUZANNE DESROCHES: Thank you, Jainey.  
13 Yeah. As Jainey mentioned, the guidelines provide a  
14 detailed instruction on how to do site analysis if  
15 you're going to be in the title floodplain so that  
16 the daily floodplain over the useful light of the  
17 asset. A critical part of these guidelines is asking  
18 the design teams to a look at how the climate changes  
19 over the whole time that that asset will be utilized.  
20 So, as you said, you know, when we look at the  
21 floodplain made century, there will be places that  
22 have tidal flooding. Some of those places, you know,  
23 have issues of sunny day flooding today and the  
24 guidelines stipulate that you need to look for  
25 alternative sites. This is a great step in a very

2 good and responsible use of city capital dollars to  
3 ensure that we are not building in place is that we  
4 know are going to be so risky in the future.

5 CHAIRPERSON BRANNAN: How many of the  
6 special flood districts actually exist?

7 DIRECTOR BAVISHI: I don't have the number  
8 off the top of my head. I think it is about five. I  
9 can get back to you at that number.

10 CHAIRPERSON BRANNAN: Are they in the  
11 neighborhoods that I would expect?

12 DIRECTOR BAVISHI: They are in places like  
13 Broad Channel, Howard Beach, Oakwood Beach. Some of  
14 the lowest lying areas in the city.

15 CHAIRPERSON BRANNAN: And what is the  
16 determination there? Like why are there only that  
17 many? How do we get more? Do we need more?

18 DIRECTOR BAVISHI: We would be happy to  
19 follow up with you. DCP actually leads the process  
20 of designating these coastal rise districts and we  
21 would be happy to follow up with you so that  
22 [inaudible 00:48:17] that background.

23 CHAIRPERSON BRANNAN: Yeah. That's  
24 important. Okay. Counsel, I think I'm good. I

2 don't know if I have-- are there any other members  
3 that have questions?

4 COMMITTEE COUNSEL: Thank you, Chair.

5 I don't see any, but if there are any Council members  
6 who would like to ask a question of the

7 administration and have not done so, if you could use  
8 your zoom raise hand function now. Okay. Thank

9 you. We will now turn to public testimony. I would  
10 like to remind everyone that, unlike our typical

11 Council hearings, we will be calling individuals one  
12 by one to testify. Each panelist will be given three

13 minutes to speak. Please begin once the sergeant has  
14 started the timer. Council members who have

15 questions for a particular panelist should use the  
16 raise hand function in Zoom and I will call on you

17 after that panelist has completed their testimony.

18 For panelists, once your name is called, a member of  
19 our staff will unmute you and the sergeant-at-arms

20 will give you the go-ahead to begin upon setting the  
21 timer. Please wait for that sergeant to announce

22 that you may begin before delivering your testimony.

23 I would now like to welcome our first panelist, Karen

24 Imas of the Waterfront Alliance, to testify. After

25 Karen Imas, I will be calling on Julissa Gilmore of

1 the New York City Environmental Justice Alliance and  
2 then Nicole Hernandez Hammer of UpRose. Karen Imas,  
3 you may begin once the sergeant has started the  
4 clock.  
5

6 SERGEANT-AT-ARMS: Starting time.

7 KAREN IMAS: Thank you so much. Thank  
8 you, Chair Brannan and Council members. I am pleased  
9 to be here today on behalf of Waterfront Alliance.  
10 My name is Karen Imus. I am the vice president of  
11 programs. Today's hearing touches on several  
12 important aspects of securing New York City's future  
13 in the face of climate change. First, we support the  
14 resolution calling on reinstatement of funding for  
15 finalization of the New York New Jersey Harboring  
16 Tributary Study, known as HATS. Waterfront Alliance,  
17 the through the Rise to Resilience Coalition,  
18 successfully secured reforms to this study and  
19 potential funding for resilience projects through the  
20 Water Resources Development Act recently passed. The  
21 funding for each ATS, however, remains uncertain, as  
22 your resolution points out and Waterfront Alliance  
23 and the Rise to Resilience Coalition join you in  
24 calling on our congressional representatives, as well  
25 as the Biden administration to ensure that the

1 studies included in the Army Corps' work and plan for  
2 this year. The completion of this study will bring  
3 jobs, coastal risk reduction, and nature's benefits to  
4 the Metropolitan region at a time when a resilient  
5 recovery is needed more than ever. With respect to  
6 the Intro 2092, we enthusiastically support the  
7 efforts to codify the city's climate resiliency  
8 design guidelines, as well as Intro 2198 to require  
9 that structures located in the floodplain be elevated  
10 in additional one to two feet. The city's guidelines  
11 are an effort to incorporate forward-looking climate  
12 change data in the design of all city capital  
13 projects and we commend to the Mayor's Office of  
14 Resiliency for the guidelines that were updated as  
15 recently as 2020. Piloting and codifying the city's  
16 climate design guidelines will make communities safer  
17 and save taxpayer dollars on a return of 6 to 1.  
18 Simply put, building resilient means building better.  
19 Resiliency scoring is an important part of the bill  
20 and we are pleased to see efforts that create  
21 accountability and we would support a letter grade  
22 approach, much like the green buildings legislation.  
23 The waterfront edge design guidelines, developed at  
24 Waterfront Alliance, could work in tandem with the  
25

1 city's design guidelines as a way to score and verify  
2 projects that show not only resilience, but also  
3 access ecology and innovation of the water's edge.  
4 Ultimately, we support mandating climate design  
5 guidelines for all development and redevelopment  
6 projects, public and private, in both the current and  
7 future 100 year floodplains. Such a mandate should  
8 entail regulatory, legislative, and incentive-based  
9 pathways for meeting resiliency standards. The  
10 codifying of guidelines for city projects is but one  
11 piece of a broader climate resilience legislative  
12 strategy meeting and, to that end, we support a rise  
13 to resilience act bill package that would include  
14 this bill, as well as legislation to create a suite  
15 of climate indicators, as well as a five borough  
16 coastal resilience plan. Finally, there is a  
17 tremendous opportunity for real institutional change  
18 through a much-needed, comprehensive climate planning  
19 and decision-making framework across all city  
20 agencies which impacts how the city designs,  
21 maintains, monitors, and replaces assets and  
22 infrastructures and we hope that this is a subsequent  
23 step in the city's climate resilient strategy. Thank  
24 you for your time today.  
25

2 COMMITTEE COUNSEL: Thank you. I will  
3 now call on Jalisa Gilmore of the New York City  
4 Environmental Justice Alliance who will be followed  
5 by Nicole Hernandez Hammer of UpRose and then Paul  
6 Gallay of River Keeper. Jalisa Gilmore, you may  
7 begin when the sergeant announces time.

8 SERGEANT-AT-ARMS: Starting time.

9 JALISA GILMORE: Thank you, Chair Brannan  
10 and members of the city Council for the opportunity  
11 to testify. My name is Jalisa Gilmore NIM the  
12 research analyst at the New York City Environmental  
13 Justice Alliance. Founded in 1991, NYEJA is a  
14 nonprofit citywide membership network linking  
15 grassroots organizations from low income  
16 neighborhoods and communities of color in their fight  
17 for environmental justice. Massive investments are  
18 needed to ensure New York City communities are  
19 resilient to the impacts of future coastal storm  
20 risks, but these investments must be made  
21 intentionally, centering equity and justice. United  
22 States Army Corps of Engineers and NYNJ HATS is an  
23 opportunity to protect New Yorkers against the risk  
24 posed by future storms. NYEJA supports the  
25 resolution calling upon the United States Congress to

1 restore funding to NYNJ HATS, however, as the project  
2 is revived, there needs to be a commitment to  
3 addressing concerns raised by the community prior to  
4 the suspension of the project. The majority of the  
5 options that the Army Corps is presented is heavily  
6 relied on large sea walls and gates to protect the  
7 shoreline. Instead, options that implement nature-  
8 based infrastructure and smaller scale flood  
9 protections which can offer a number of environmental  
10 benefits should be considered. In this new phase,  
11 Army Corps should incorporate recommendations and  
12 community input from projects that have already been  
13 put forth by frontline communities that are not  
14 always considered or incorporated into final plans,  
15 such as the Hunts Point resiliency and the East Side  
16 Coastal resiliency. Lastly, the environmental Justice  
17 maps that the Army Corps is using does not accurately  
18 represent an environmental Justice neighborhoods. As  
19 the project moves forward, it should, instead,  
20 consider using the disadvantaged community screening  
21 tool currently being developed pursuant to the New  
22 York State Climate Leadership and Community  
23 Protection Act. Again, the building New York City  
24 neighborhoods to be resilient and it is critical and  
25

1 NYEJA supports Intro 2192 which would develop climate  
2 resiliency guidelines and a climate resiliency score  
3 metric. We recognize the Council's commitment to  
4 environmental Justice with the requirement that 30%  
5 of the pilot projects be located in environmental  
6 justice communities. However, rather than require  
7 30% of pilot projects in environmental Justice areas,  
8 we recommend matching the New York State CLCPA's  
9 commitment of 35 to 40 percent for disadvantaged  
10 communities. Similarly, to the Army Corps is  
11 studying, we are concerned that current maps may lead  
12 to underinvestment in communities that need it most  
13 and should consider using the CLCPA's disadvantaged  
14 community screening tool when it is available and, as  
15 the resiliency score is developed, input from members  
16 of the public with expertise specifically in  
17 environmental Justice should be consulted to ensure  
18 an equitable process. There has not been nearly  
19 enough coastal resiliency investment in the low  
20 income communities of color and the outer boroughs  
21 where the most vulnerable populations are. These--

22  
23 SERGEANT-AT-ARMS: Time expired.

24

25

2 JALISA GILMORE: have the opportunity to  
3 remedy this and protect frontline communities. Thank  
4 you for the time to testify.

5 CHAIRPERSON BRANNAN: Jalisa, you can  
6 keep going if you have more.

7 JALISA GILMORE: No. That's good. I  
8 will submit the full testimony. Thank you.

9 CHAIRPERSON BRANNAN: Are you sure?

10 JALISA GILMORE: Yeah.

11 CHAIRPERSON BRANNAN: All right. Thank  
12 you.

13 COMMITTEE COUNSEL: Thank you. I would  
14 like to now call on Nicole Hernandez Hammer of UpRose  
15 who will be followed by Paul Gallay of River Keeper  
16 to be followed by Daniel Gutman of the Metropolitan  
17 Storm Search Working Group. Nicole Hernandez Hammer,  
18 you may begin when the sergeant calls time.

19 SERGEANT-AT-ARMS: Starting time.

20 NICOLE HERNANDEZ HAMMER: Good morning.  
21 Thank you to Chair Brannan and the Council members  
22 for giving me the opportunity to submit my testimony  
23 today. My name is Nicole Hernandez Hammer. I am a  
24 biologist and I recently became the community  
25 environmental scientist for UpRose. I have spent

1 over a decade studying the impacts of flooding due to  
2 sea level rise and precipitation changes in frontline  
3 communities across the US. I am testifying today on  
4 behalf of UpRose. Founded in 1966 and located in  
5 Sunset Park, UpRose is Brooklyn's oldest Latino  
6 community based organization. We are  
7 intergenerational and black indigenous women of color  
8 led. We are working at the intersection of racial  
9 justice and climate change. Sunset Park is a  
10 frontline community of over 130,000 in Southwest  
11 Brooklyn that lives with many polluting  
12 infrastructures and a growing number of climate  
13 change impacts, including more intense storms and  
14 flooding. Our residents and small businesses were  
15 severely impacted by super storm Sandy and are  
16 disproportionately vulnerable to the storms we know  
17 will be coming as a risk to climate change. Climate  
18 change poses a significant risk to New York City,  
19 including more powerful storms, increased floods due  
20 to the changes in precipitation, and new since  
21 flooding, also known as sunny day or blue sky  
22 flooding related to sea level rise. Adapting to  
23 impacts over time is essential, particularly in  
24 frontline communities like Sunset Park as it is home  
25

1 to New York's largest significant maritime industrial  
2 area. We are currently working with our residents  
3 and small businesses to build greater resilience to  
4 these types of extreme weather events which includes  
5 our work with auto shops to mitigate the dispersal of  
6 fugitive chemicals during storm events. UpRose  
7 supports additional free boards for capital projects,  
8 however, because there are discrepancies and  
9 limitations in the current sources that determine the  
10 designation of floodplains, we urge you to use the  
11 most recent sea level rise projections and storm  
12 surge studies for 2080 and 2100 such as those in the  
13 IPCC, the National Climate Assessment, and the NYIPCC  
14 reports and their forthcoming updates. As these  
15 policies move forward, we ask that you continue your  
16 commitment to frontline communities by ensuring that  
17 the implementation of this work will be conducted in  
18 close partnership with environmental Justice  
19 partners. Another project that is critical in  
20 developing a more accurate understanding of flooding  
21 scenarios is the US Army Corps of Engineers New York  
22 and New Jersey Harbor and Tributaries focused area  
23 feasibility study, HATS. Using more accurate and  
24 current flooding information will create more robust  
25

2 resilience for capital projects that have useful  
3 lives measured in decades. Therefore, UpRose  
4 supports the continuation of the HATS project in  
5 solidarity with our agent partners. We recommend  
6 that the environmental Justice related components of  
7 the study be made more significant and specified in a  
8 separate report that should be developed and  
9 meaningful partnership with frontline communities. A  
10 partnership that has been lacking substance in this  
11 work to date. There needs to be an effort to move  
12 away from a focus on hard infrastructure solutions to  
13 a more holistic adaptation measures such as living  
14 shorelines. And these solutions must be developed--

15 SERGEANT-AT-ARMS: Time expired.

16 NICOLE HERNANDEZ HAMMER: Oh. Okay.

17 And I will submit the rest of my testimony in  
18 writing.

19 CHAIRPERSON BRANNAN: Nicole, you can  
20 finish. Please.

21 NICOLE HERNANDEZ HAMMER: Thank you.  
22 I'll go ahead and finish this part and then I will  
23 submit the rest.

24 CHAIRPERSON BRANNAN: Make sure you send  
25 it. Yeah. Yeah.

2                   NICOLE HERNANDEZ HAMMER:     Okay.  Thank  
3 you.  So, as I was saying, there needs to be more of  
4 an effort to move away from a focus on hard  
5 infrastructure solutions to more holistic adaptation  
6 measures such as living shorelines and these  
7 solutions need to be developed in partnership with  
8 frontline communities.  Those that are the most  
9 vulnerable to climate change that have often not been  
10 a priority in these types of research initiatives.  
11 Additionally, the community-based participatory  
12 research model should be a key component of these  
13 efforts going forward.  This will allow for more  
14 connectivity between assessment, development of  
15 recommendations, and easier dissemination of findings  
16 to the most vulnerable communities.  And I will go  
17 ahead and stop there.  Thank you so much.

18                   CHAIRPERSON BRANNAN:     Thank you.

19                   COMMITTEE COUNSEL:     Thank you.  We will  
20 now call on Paul Gallay of River Keeper to testify  
21 who will be followed by Daniel Guttman of the  
22 Metropolitan Storm Search Working Group to be  
23 followed by Catherine McVay Hughes, the Financial  
24 District Neighborhood Association.  Paul Gallay, you  
25 may begin when the sergeant calls time.

2 SERGEANT-AT-ARMS: Starting time.

3 PAUL GALLAY: Thank you, Council members  
4 Brannan, Rose, Diaz, Constantinides, and Ulrich.  
5 Thank you to Director Bavishi and her colleagues for  
6 their testimony. Thank you to all of the staff  
7 members who have helped prepare this hearing and, of  
8 course, thanks to Karen Imas, Nicole Hernandez  
9 Hammer, and Jalisa Gilmore, our partners at Rise to  
10 Resilience, UpRose, and New York City Environmental  
11 Justice Alliance. On behalf of River Keeper, I have  
12 submitted written testimony and, in the hopes that I  
13 might keep to three minutes and appreciate the  
14 ability to go slightly longer, if necessary, I will  
15 not read anything from my testimony, but I will say  
16 that we are looking at an extraordinarily enormous  
17 challenge. If you look at the New York City climate  
18 resiliency design guidelines, even the middle range  
19 scenario for the 2050s is 11 to 21 inches of sea  
20 level rise and, by the 2080s, 18 to 39 inches. Most  
21 people think that you should rely on the 90% scenario  
22 because you want to make sure that you are planning  
23 for such scenarios above the mid-range. Then you  
24 would be talking about 30 inches and 58 inches.  
25 Thank goodness that, in addition to this growing

1 challenge, we have a new opportunity. Speaking first  
2 to resolution 1389, when you look at what has just  
3 been done by this new law enacted at the federal  
4 level on December 27th, Water Resources Development  
5 Act of 2020, it is extraordinary the change that this  
6 will help bring about if we work together, if we make  
7 the most of this. If, of course, Congress first  
8 funds the study. It had been funded at roughly \$20  
9 million before the president put paid to it back in  
10 February 2020. And it is my pleasure to say the  
11 former president, I should have said. But fully  
12 implementing it is going to require an  
13 extraordinarily higher level of partnership between  
14 the federal government and the state of New Jersey,  
15 the city of New York, and the state of New York. You  
16 are involved partners in this study and I suggest  
17 that you press at every level, whether the  
18 administration or the Council on the Army Corps to  
19 make the most of this study. The Army Corps' motto  
20 is ESSAYONS which loosely translates as let us try.  
21 I think the Army Corps is welcoming this opportunity  
22 to make the most of what this new law allows and, to  
23 be specific, the new law requires greater community  
24 consultation at every level, particularly with  
25

2 communities of color, tribes, and low income  
3 communities. It provides--

4 SERGEANT-AT-ARMS: Time expired.

5 PAUL GALLAY: it provides for-- that  
6 continue for another minute?

7 CHAIRPERSON BRANNAN: Yes. Of course.  
8 Go ahead. Sorry.

9 PAUL GALLAY: Thank you. No problem. It  
10 provides for up to 10 demonstration areas for low  
11 income communities and communities of color and  
12 tribes for doing a better job of collaboration. New  
13 guidelines requiring future projects such as this to  
14 maximize sustainable development, protect and restore  
15 the functions of natural systems and affordably  
16 address the needs of economically disadvantaged  
17 communities. We are in an era, to start to wrap up,  
18 where many businesses are talking about something  
19 they call stakeholder capitalism which is going to  
20 give more consideration to customers, to societies,  
21 to employees, to the environment, not just to  
22 shareholders. We have to enter the era of  
23 stakeholder coastal resilience planning. We can no  
24 longer plan from the top down. We can no longer plan  
25 as before 2020 was enacted, based on laws dating from

1 1955 that didn't foreground sea level rise and  
2 stationary storm systems. The era of planning for an  
3 enormous storm barriers has got to be at an end.  
4 They don't support protection from sea level rise.  
5 Let's make the most about development tidying to the  
6 Intro that pertains to the development, it makes no  
7 sense to be thinking about additional coastal  
8 development until we have not just coastal design  
9 standards, but also coastal protection plans for the  
10 entirety of the five boroughs of the city of New  
11 York. Thank you for the time and for allowing me to  
12 go over slightly.

14 COMMITTEE COUNSEL: Thank you. We will  
15 now call on Daniel Gutman of the Metropolitan Storm  
16 Search Working Group followed by Catherine McVay  
17 Hughes of the Financial District Neighborhood  
18 Association. Daniel Gutman, you may begin when the  
19 sergeant calls time.

20 SERGEANT-AT-ARMS: Starting time.

21 DANIEL GUTMAN: Hi. My name is Daniel  
22 Gutman. I am representing the Metropolitan Storm  
23 Surge Working Group. Thanks for the opportunity to  
24 testify. We are very supportive of resolution 1389  
25 about that HAS study And we hope you adopt it. But

1 we do have one suggestion. In the fourth whereas  
2 clause, you state that the HAT study, if completed,  
3 would have proposed a comprehensive plan for managing  
4 future potential coastal storm risks, but that  
5 statement actually isn't quite accurate. Several of  
6 the alternatives in the HAT study were not  
7 comprehensive. In particular, the alternatives 3B  
8 and four which included and were based on New York  
9 City's storm surge coastal protection. That is the  
10 core alternative of 3B and four. But 40% of New York  
11 City's plan-- 40% of the elements for storm surge  
12 protection were left out of the course study and, on  
13 the other hand, we agree with you that the course  
14 study, the alternatives that they study should be  
15 comprehensive. And so, we suggest that you modify  
16 that whereas clause to say that the alternatives  
17 should be comprehensive and then add a paragraph at  
18 the end to request that the New York State DEC, which  
19 is the state partner, and sure that the entire New  
20 York City--- you know, this is the One NYC plan.  
21 The one that Jainey Bavishi was testifying about,  
22 that the entire-- all the elements for storm surge  
23 protection in the New York City plan be included in  
24 the core of alternatives.  
25

2 CHAIRPERSON BRANNAN: Thank you.

3 COMMITTEE COUNSEL: Thank you. Sorry,  
4 Chair Brannan.

5 CHAIRPERSON BRANNAN: No. thank you,  
6 Daniel. I also want to acknowledge that we've been  
7 joined by Councilman Eric Ulrich. Sorry.

8 COMMITTEE COUNCIL: Thank you, Chair.  
9 Thank you, Mr. Gutman. We will now call on Catherine  
10 McVay Hughes of the Financial District Neighborhood  
11 Association to testify. You may begin when the  
12 sergeant calls time.

13 SERGEANT-AT-ARMS: Starting time.

14 CATHERIN MCVAY HUGHES: Let me unmute. Hi.  
15 Good morning. Chair Brannan and members  
16 Constantinides, Diaz, Rose, and Ulrich, thank you for  
17 the opportunity to testify today. My name is  
18 Catherine McVay Hughes. I served 20 years on  
19 Manhattan Community Board One, half of that time as  
20 chair or vice chair. Today, I am representing the  
21 Financial District Neighborhood Association known as  
22 FDNA. Fi-Di is home to roughly 60,000 residents and  
23 the fourth largest business district in the country.  
24 FDNA is the grassroots organization representing  
25 those of us who live in Manhattan south of City Hall.

FDNA supports resolution 1389-2020 that calls upon the United States Congress to restore funding to the US Army Corps of Engineers New York New Jersey Harbor and Tributaries USA Sea HATS focus area feasibility study. And the states of New York and New Jersey to advance their shares of the next phase of funding to revive the study until it is fully restored by the Congress. As you know, the study was suspended by order of then President Trump in January 2020 with his quote, mops and buckets, unquote tweet. The study included in area of 2150 square miles and 900 plus miles of effected shoreline with an affected population of 16 million people in both New York and New Jersey. This executive action means that there is no planning at all underway to address the threats of sea level rise and storm surge for the entire tea of the nation's largest metropolitan area. It should also know that the HAT study, however, includes alternatives that do not protect the entire tea of New York City's 520 mile shoreline. For example, 40% of New York City's plan for local shoreline protection was omitted from the study. Since the city would have to pay for that 40 percent, omitting the city's expenditure from the H ETS skewed the cost

1 comparison with comprehensive regional approaches.  
2  
3 FDNA urges the city Council to include language in  
4 the resolution to highlight the importance of the  
5 comprehensive regionwide approach in rejecting  
6 alternatives that leave significant areas in New York  
7 City exposed. Furthermore, FDNA supports resolution  
8 T2021-774 calling on Congress to pass the president  
9 to sign legislation amending the Stafford Act to  
10 proactively fund the planning and construction of  
11 FEMA and HUD coastal resiliency projects. The  
12 resolution states, quote, regular tide flooding is  
13 already occurring in New York City neighborhoods such  
14 as Broad Channel, Hamilton Beach, and Howard Beach  
15 with a lower Manhattan climate resiliency study  
16 conducted by New York City's Economic Development  
17 Corporation, the Mayor's Office of Recovery and  
18 Resiliency in finding that by 2050, 37 percent of  
19 buildings in lower Manhattan and will be--

20 SERGEANT-AT-ARMS: Time expired.

21 CATHERINE MCVAY HUGHES: rise in sea  
22 level rise caused by a storm, otherwise known as  
23 storm surge. If I could just speak for one more  
24 minute, it would be great. Moving from the federal  
25 to the city level, only recently has the planning

1 process for the financial district and seaport been  
2 restarted. The Fi-Di Seaport Climate Resiliency Plan  
3 is expected to be completed by the end of this year  
4 and has no funding for implementation. The plan  
5 states that, at 2100, 100 year storms are projected  
6 to cause flooding over 12 feet deep above ground  
7 level in parts of the Financial District and seaport.  
8 You can continue reading my testimony that I have  
9 submitted, but just for the record, south of Wall  
10 Street is unprotected and it took three days for the  
11 interim flood protection plan to be implemented this  
12 summer in August. I would also like to acknowledge  
13 the exponential growing cost of climate change to our  
14 country and the cost of each extreme disaster event.  
15 Also attached, I have submitted surge watch  
16 newsletter 12, 11, and 10, for the record. Thank you  
17 very much for the opportunity to testify today.

18  
19 COMMITTEE COUNSEL: Thank you very much  
20 for your testimony. If we have inadvertently missed  
21 anyone that has registered to testify today and has  
22 yet to have been called, please use the zoom hand  
23 function and you will be called in the order that  
24 your hand has been raised. Seeing none, I will now  
25

2 turn it over to Chair Brannan for closing remarks.

3 Chair Brannan?

4 CHAIRPERSON BRANNAN: Thank you, Council.

5 Thank you, everyone, for testifying. These hearings

6 are always important for me because I get to learn

7 from the folks who know this stuff much better than I

8 do. You know, I think if there is one thing, my

9 biggest take away from today's hearing is the concern

10 that I understand we are heading into continued or

11 sustained uncharted water, but possibly intended as

12 far as the budget is concerned, we need to make

13 sure-- we shouldn't have to fight to make sure that

14 funding and the prioritization of issues and action

15 surrounding climate change is somehow seen as, you

16 know, a luxury or something that we can only focus on

17 when the city is awash with cash. This needs to be

18 an issue that remains centered no matter what. And I

19 understand we are going to have to be triaging quite

20 a bit over the next couple of years before we fully

21 dig out of this hole, but we really have to make sure

22 and we have to impress upon the current

23 administration and the next administration to ensure

24 that action around climate change and environmental

25 Justice remains a top priority. It is concerning

2 that we even have to worry about that, frankly. So,  
3 these bills today are very important and I look  
4 forward to seeing them through the passage and I  
5 think everyone for your input in today's hearing and  
6 being with us today and I hope everyone has a great  
7 week. And, with that, I will adjourn this hearing.

8 [gavel]

9 CHAIRPERSON BRANNAN: Thank you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 3, 2021