

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. Once again, that is
18 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

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

1 record. Hurricane season is also growing more
2 intense and more dangerous with last year's being the
3 most active on record. With this in mind, we look
4 forward to working closely with Council on both bill
5 introductions being heard today. We support the
6 intent of Intro 2092, which would mandate a five-year
7 pilot of the climate resiliency design guidelines for
8 public facilities and create a resiliency scoring
9 system for these facilities. We believe beginning
10 with a five-year pilot is a critical first step that
11 will allow the city to collect the necessary
12 information on real-world benefits and costs of
13 implementing the guidelines, given the wide variety
14 of assets in the city and capital portfolio. These
15 lessons will inform an updated version of the
16 guidelines, the scoring system, as well as possible
17 future design mandates. Starting with the pilot
18 phase will manage upfront costs during the current
19 fiscal crisis and we look forward to designing a
20 pilot program that reflects the realities of the
21 city's budget constraints while producing meaningful
22 results. We also look forward to working closely
23 with Council on Intro 2198. We support the intent of
24 this bill and, and Council for seeking opportunities
25

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.
25

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

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

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

2 common sense that, you know, there is no one who is
3 saying that it is something we should be doing and it
4 shouldn't be left up to individual agencies to pick
5 and choose, right? In the 21st century, we shouldn't
6 be leaving it up to whether someone decides to pull
7 the guidelines out of the book or not. It should be
8 mandatory is really the way we should be going,
9 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

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

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

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 Costal 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

2 1955 that didn't foreground sea level rise and
3 stationary storm systems. The era of planning for an
4 enormous storm barriers has got to be at an end.
5 They don't support protection from sea level rise.
6 Let's make the most about development tidying to the
7 Intro that pertains to the development, it makes no
8 sense to be thinking about additional coastal
9 development until we have not just coastal design
10 standards, but also coastal protection plans for the
11 entirety of the five boroughs of the city of New
12 York. Thank you for the time and for allowing me to
13 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