January 24, 2024

City Planning Commission Hearing Room
Lower Concourse
120 Broadway
New York, NY 10271

Comments on City of Yes for Economic Opportunity

Greetings. My name is Willis Elkins, and I am the Executive Director of the Newtown Creek Alliance. We are a community based non-profit dedicated to restoring, revealing, and revitalizing Newtown Creek - an industrial waterway that borders the IBZs of North Brooklyn, Long Island City, and Maspeth.

Our organization works to clean the Creek of historic toxins and ongoing pollution sources, as well as reconnect surrounding communities with this inaccessible waterway. Additionally, we seek to preserve the surrounding areas as industrial and manufacturing zones that are providing accessible blue collar jobs and essential services that make the nation's largest city function.

And while we support protections for industrial and manufacturing uses, we are acutely aware of the need for thorough and forward looking controls to properly address environmental and community health impacts that stem for specific industries.

This is especially the case when emerging trends in industrial land use go unchecked. Some historic context: By the late 1800s, Newtown Creek was home to over 50 different petroleum refineries. They left a legacy of extensive contamination that is still being investigated and remediated today, nearly 60 years after the last refinery closed. More recently, areas around Newtown Creek saw the proliferation of waste transfer facilities - handling approximately 40% of the city's solid waste. Fortunately, recent legislation has helped create a more equitable distribution of waste transfer sites - but not before damage was done to the local communities in the forms of poisoned air and elevated asthma rates.

Today, there is a new unchecked growing industry that is quickly consuming large industrial sites in areas like Newtown Creek: **Last Mile Distribution Warehouses**. As with waste transfer stations, these operations are bringing elevated truck traffic not just to the industrial zone, but the environmental justice communities that often exist next door. Every year, we see more and more massive, corporately owned, and environmentally hostile facilities built here. NY State Assembly District 37, which includes most of the Queens side of Newtown Creek has the highest number of warehouses over 50,000 square feet for all of NY State (116). In total, 193 warehouses over 50,000 square feet exist in the three districts that borden Newtown Creek. For camparions, the entire borough of Manhattan only has 12.[1]

[1] https://globalcleanair.org/wp-content/blogs.dir/95/files//EDF-NY-Warehouse-Boom-Report-1-18-23.pdf

It is because of this unjust and unregulated concentration of distribution facilities that NCA is a proud member of the Last Mile Coalition. As such, I want to reiterate the coalition's ask that this COYEO proposal establish a special permit process for last-mile warehouses of at least 50,000 square feet.

In addition to our concerns regarding Last Mile Facilities, we would also like to offer opportunities for upgrading our IBZs to better address environmental justice issues, mitigate climate change related impacts, and better incorporate use and restoration of, as well as access to local waterways adjacent to IBZs. We urge the City to fully consider how our IBZs can be more than just economic engines, but hubs for greener and more sustainable uses and opportunities.

The following are specific issues and recommendations that should be examined in achieving more resilient and environmentally positive IBZs:

Green Infrastructure
IBZs typically suffer from a number of severe environmental justice impacts, many of which are increasing in severity with climate change. These include:

- Extreme heat and urban heat island effects;
- Increased rainfall, more intense storms, and local flooding;
- Lack of wildlife habitat and biodiversity; and
- Poor air quality

These issues are compounded by the physical makeup and composition of the built environment within IBZs, namely high concentrations of impervious surfaces such as asphalt and concrete parking lots, extensive sidewalks with little to no tree canopy, and non-landscaped rooftops - which all do very little to absorb heat and rain.

In the United States, more Americans die from heat waves every year than from all other extreme weather events combined. According to the 2022 New York City Heat-Related Mortality Report, approximately 370 New Yorkers die each year from heat related fatality (nearing the previous year's homicide total of 433). As is often the case, the Heat Vulnerability Index created by NYC to identify communities that suffer the most from extreme heat pulls largely from census/demographic data that reflects where people live, not work. Additionally, while the Cool Neighborhoods NYC[2] report does not mention industrially zoned areas in text, the thermal imagery included in the report shows a clear correlation between the warmest areas of the City and current industrial and manufacturing zoning.

In addition to urban heat island effects, impervious surfaces create other issues related to rainfall. For one, increasing rainfall and more intense storm events are now posing larger flooding hazards than previously experienced in the City. Impervious surfaces force stormwater into sewer pipes which are not designed to handle the volumes of rainfall that storms like Henri and Ida produced in 2021. Additionally, NYC suffers from over 20 billion gallons of combined sewage overflow each year (CSO) - where untreated sewage is dumped directly into our waterways during rain events. The cause of CSO is stormwater runoff flooding the system and overwhelming our wastewater treatment plants. Many of the most impacted waterways from sewage overflow are tributary waterways that are near industrial zones, such as Newtown Creek, Gowanus Canal, Flushing Creek, the Bronx River, and Westchester Creek. Given the size of large industrial lots, there is a significant opportunity to better manage and absorb stormwater onsite, helping protect not just the surrounding neighborhoods from costly and deadly flooding, but also protecting waterways from the onslaught of untreated sewage.

[2] https://www.nyc.gov/assets/orr/pdf/Cool_Neighborhoods_NYC_Report.pdf

NYC's Green Infrastructure program has created over 11,000 curbside rain gardens across the City, mostly in high priority watersheds. A current, proposed modification under the NY State Consent Order will allow the City to expand the Green Infrastructure program to non-combined sewer areas, known as MS4, where many IBZs are located. However, we believe that proposed changes to current zoning should specifically address the need for more green infrastructure and pervious surfaces in the IBZs.

In addition to stormwater management and extreme heat mitigation, green infrastructure can also be an effective tool to address a major environmental issue present in our industrial areas: poor air quality. Diesel fueled trucks, proximity to highways, and citing of air fouling operations like concrete and asphalt plants, metal recycling yards, and fuel storage facilities negatively impact air quality that affects local workers and surrounding environmental justice communities. Increased tree canopy and planted areas can help mitigate air quality through absorption of particulate matter, and production of oxygen.

Of course, the most effective way to improve air quality and reduce pollutants emanating from IBZ related operations is for the City to implement tighter restrictions and measures to prevent point source emissions. To this end, and in ensuring healthier, greener, and more productive IBZs, we ask that the city implement the following measures to address air quality:

- Revisit and implement recommendations from the 2014 Open Industrial Uses Study Draft, as well as addressing and incorporating stakeholder feedback;[3]
- Pass the proposed city zoning text amendments to restrict the proliferation of last mile distribution facilities;
- Create an extensive air quality monitoring program to identify point sources for airborne pollutants including VOCs and Particulate Matter and work with NYS DEC to strengthen standards on permissible air pollutants

We feel addressing these numerous environmental burdens present in IBZs is necessary not just from a moral perspective in protecting human health, but also through an economic lens as health impacts and climate related damage have direct financial costs associated with them.

Access and Use of Waterways

Many of the City's IBZs border public waterways, like Newtown Creek. However, many of the industrial operations that have waterfront properties along Significant Maritime Industrial Areas, do not actually use these waterways for commercial purposes. Newtown Creek has 11 miles of shoreline, but of the over 100 private waterfront properties located here, only nine facilities currently import or export materials by water. The vast majority of these shorelines are not using the water for commerce, nor are they creating waterfronts that provide any ecological or public benefit. The ongoing trend of industrial businesses literally turning their back on public waterways needs to be addressed.

Currently, developments within industrial zones do not trigger waterfront public access requirements. We believe that the City is past due in updating these requirements and should implement baseline requirements to create public waterfront access and/or resilient and ecologically productive shorelines for any industrial site that is being redeveloped and not utilizing their waterfront for maritime purposes. The 2022 NYC Comprehensive Waterfront Plan acknowledges the need to update industrial zoning tools to incorporate public access and resilience needs:

> "Where industrial uses do not trigger waterfront public access requirements, consider limiting construction for non-water dependent uses within the area adjacent to the shoreline, to ensure that

[3] https://www.nyc.gov/assets/planning/download/pdf/plans-studies/open-industrial-uses/oius_draft_report.pdf

near-term improvements do not foreclose future opportunities for public access and support long-term flood resiliency planning."[4]

As with green infrastructure projects, waterfront public access projects require not just capital investments but ongoing maintenance. These should be the responsibility of the property owners with an option to contract with a city agency or community based organization to perform specific work in ensuring that spaces are accessible, clean, safe, and properly functioning from a horticultural and ecological perspective.

In closing, we look forward to ongoing conversations about how to better utilize our IBZs not just for economic benefits, but community and environmental improvements as well. In addition to our recommendations, there is a real need for a more concerted effort to define and pursue the actual elements and allowable uses within a green industrial economy. What are the types of industrial and manufacturing operations that the City wants to incentivize? How do they both reduce environmental justice harms and build towards a more sustainable and resilient future that both our planet and elected leaders are demanding? One example is the opportunity to transition away from the numerous fuel storage and production facilities that exist in our IBZs and promote opportunities for renewable energy storage and production that can reduce carbon emissions and help our overburdened energy grids during the coldest and hottest days of the year. This is a critical opportunity and we ask that changes to our IBZs not be solely focused on increasing development rights and FARs - but consider the social, public health, and environmental benefits that can also be gained through smart and comprehensive planning.

Thank you for your time and consideration.

Sincerely,

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[4] https://www.waterfrontplan.nyc/waterfront-public-access