

B.J. Jones

President and CEO

Battery Park City Authority

200 Liberty Street, 24th Floor

New York, NY 10281

(212) 417-2000

www.bpca.ny.gov

August 16, 2022

Dear Assembly Members Fall and Niou,

Thank you for your letter of August 12 to Governor Hochul. I wanted to bring to your attention our recent announcement regarding the expansion of the Wagner Park lawns in the South Battery Park City Resiliency project. I've summarized that announcement below, and also highlighted two other important issues that are also front of mind for many.

- **Maximizing Lawns:** Yesterday, in a letter to State Senator Kavanagh, Borough President Levine, and Council Member Marte, BPCA announced that, in response requests that we maximize lawn space to the extent possible in Wagner Park, we will be revising the final lawn configuration for the project to increase the space in the project allocated to lawns by 12,800 square feet – a 74% increase in lawn space compared to the current designs. This design modification will also provide for the addition of ten more trees to be planted in Wagner Park, for a total net increase of 126 trees compared to the project area today. A copy of our full response to the joint letter from State Senator Kavanagh, Borough President Levine, and Council Member Marte is attached here.
- **Wagner Park Pavilion:** In response to questions about the size of the new Wagner Park Pavilion, we note that the massing of the Pavilion building – and the inclusion of a Pavilion building in the project's designs – was developed in close communication with the community through an iterative series of public discussions spanning many months. To accommodate the project's necessary resiliency features and maximize continuous waterside park space, the future pavilion building has been designed to be elevated and set back closer to Battery Place and, as a result, it can accommodate a new floor below the primary park level, accessible directly from Battery Place. As such, the footprint of the new Pavilion building will be *slightly smaller* than the existing building's, and the additional square footage that has been raised as a concern is a function of the additional below-grade space. Including the permanent tent on its southwest side, the existing pavilion's footprint measures 8,090 square feet, compared to the proposed pavilion's footprint of 7,990 square feet. Any material change to the Pavilion's design would, unlike the aforementioned changes to the lawn configuration, require significant revision and delay to the project. As a result, we do not believe it would be prudent to alter the design of the Pavilion building at this time. Nonetheless, in consideration of requests that we work to expand and maximize the amount of community space available in the building, the Authority remains open to a constructive dialogue regarding potential uses of the Pavilion, and even to jettisoning the concept of restaurant from the space and using that space in the building for another purpose altogether.
- **Ongoing Community Engagement.** The Authority remains committed to meeting the high standard for community engagement we have set over the course of the development of this project, including as it pertains to mitigating and addressing construction impacts. The Authority's construction manager on the project, The LiRo Group, retained Melissa Johnson Associates to assist in this effort, with Rick Fogarty on their team serving as a dedicated construction liaison. The project team will maintain a hotline (917-624-5409) and email address (sbpcrinfo@bpca.ny.gov) to address issues that arise over the course of construction, and is conducting proactive outreach to neighboring properties, businesses, and residents prior to construction commencement. We want to ensure that your office and Rick have an ongoing and direct line of communication to address issues that arise. Our own staff, of course, remains committed to this work, as well, and will remain in close contact, too.



**Battery Park
City Authority**

Finally, I have attached a letter from the Mayor's Office of Climate and Environmental Justice regarding design and modeling of Lower Manhattan Coastal Resiliency Projects. As noted, "[t]he partnership between the Mayor's Office...and BPCA has ensured a consistent and coordinated approach to design and implementation of these critical coastal resiliency projects, strengthening the City's efforts to adapt to the impacts of climate change and improving coastal protection for all New Yorkers."

We appreciate your desire to have community concerns heard as we work hard to ensure a safe and climate-resilient Battery Park City and Lower Manhattan for us all.

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'BJ' with a long, sweeping underline.

**Battery Park
City Authority**

August 12, 2022

Honorable Kathy Hochul
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Dear Governor Hochul:

We, the undersigned local elected officials of Battery Park City and the partnering local residents and community organizations, write to you with several concerns regarding the Battery Park City Authority's (BPCA) plan to demolish Wagner Park. The community has made it clear that we do not feel comfortable with this project proceeding until these questions are answered and these concerns are addressed. Specifically, the community is upset to see that the current plans call for a reduction in active green space where children and families can gather and play and believes that the design could be modified to right that issue.

The community is hopeful that there is a path towards making the required resiliency modifications to Wagner Park while maintaining or even improving upon its current uses, but they do not believe that the current proposal achieves this. Residents understand and recognize the threat that climate change poses and that work must be done across the city to protect from rising tides and fiercer storms. However, the community does not understand why the proposed design calls for a significant reduction in usable greenspace and prioritizes paved paths and plazas instead. There is also some confusion as to why the design guidelines are based on older models over newer projections. Furthermore, Manhattan Community Board 1 members have voiced unaddressed concerns including a lack of plans for the creation of direly needed active and passive recreational opportunities, confusion around bus routes, and a lack of communication with certain specific local organizations. As the primary stakeholders of this project, our community deserves a response to these concerns before work begins. We urge you to instruct the BPCA to more actively interface with elected officials and local stakeholders such as the Jewish Museum, PS276 and the BPCNA to ensure Wagner Park becomes a protective, resilient park that also meets our community's needs for green space.

The Authority, which currently has a vacancy on its board and members serving on expired terms, continues to pursue an agenda which often feels opaque to residents and unresponsive to community input. This discomfort is amplified when the Authority makes decisions such as its choice to hire lobbyists to oppose A.10371-A/S.9031-A and A.10414-A/S.9032-B despite widespread community support and overwhelming support in the legislature. These bills were designed to ensure that the neighborhood remains livable and that the board remains responsive and accountable and we believe that a prompt executive decision on them would help restore

trust between residents and the BPCA and would go a long way towards reducing potential conflict in the future.

The task of building and planning in New York is exceptionally difficult, especially when dealing with urgent matters such as resilience. We all acknowledge that this undertaking requires collaboration and sacrifice. But when all is said and done, we should be left with a product that leaves the community excited, not disappointed. That is the goal of true community planning where the community is allowed to inform the design process, not simply react to it. We believe that with a few modifications, the plan could proceed with significant community support and create a public space that the Authority, local residents, and the city at large can be proud of and content with for decades to come.

Some of these concerns were raised in a recent letter from elected officials to President B.J. Jones of the BPCA and we are hopeful that with attention from both of your offices, these issues will be resolved. Thank you for your time and attention on this important matter. You may reach out to Theo Pérez in Assemblymember Niou's office (perez@nyassembly.gov) for any further follow-up. We look forward to continued discussions.

Sincerely,



Charles Fall
Assemblymember, District 61



Yuh-Line Niou
Assemblymember, District 65



Maggie Dallal,
PTA President, PS/IS276



Jennifer Jones, PhD President,
Founder, Battery Park Montessori
& Pine Street School



Amy Van Buskirk
PTA President, PS89

B.J. Jones

President and CEO

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200 Liberty Street, 24th Floor

New York, NY 10281

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August 15, 2022

Dear Senator Kavanagh, Council Member Marte, and Borough President Levine,

Thank you for your August 9 letter regarding the South Battery Park City Resiliency project. We appreciate your reiterating the importance of the project and the need to move forward with it expeditiously. Thanks, too, for your acknowledgement of the extensive community engagement the Authority has pursued in developing the project over the past five-plus years, in partnership with you and your offices. As we have stated time and again, the pursuit of meaningful public participation in the design process has not only been the right thing to do; it also has yielded a better final project design.

We heard the community requests at the town hall you hosted, as well as your direct follow-up in the months since. As we have done each time we received constructive feedback when developing the designs for this project, we worked hard with our design team to investigate feasibility, as well as the benefits and drawbacks of adopting each request. With time of the essence, I am providing this prompt response to the three core requests in your August 9 letter.

Maximizing Lawns

Firstly, with regards to your request that we maximize lawn space to the extent possible in Wagner Park, we are pleased to share that, in consultation with our design team, we will be revising the final designs of the project to increase the space in the project allocated to lawns by 12,800 square feet – a 74% increase in lawn space compared to the current designs. The additional lawn space is achieved by reducing a portion of the space allocated to gardens under the current design, as well as nearly 7,000 square feet of hardscape, which was originally included to ensure universal accessibility throughout the elevated portion of the park. Our design team was able to enlarge the lawn while maintaining smaller edge gardens and allow part of the existing access walkway on the water side of the lawn to function as a universally-accessible circulation element. It will also provide for the addition of ten more trees to be planted in Wagner Park, for a total net increase of 126 trees compared to the project area today. Below are aerial renderings of the revised designs.



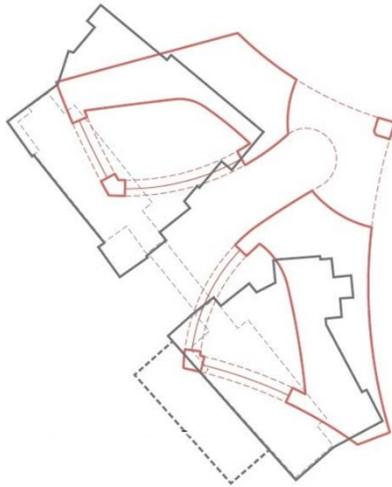
Current



New

Wagner Park Pavilion

Secondly, with regard to your request that we revisit the size and integration of the future Wagner Park Pavilion with the rest of Wagner Park, we asked the design team to do just that. As you know, the massing of the Pavilion building – and the inclusion of a Pavilion building in the project’s designs – was developed in close communication with the community through an iterative series of public discussions spanning many months. To accommodate the project’s necessary resiliency features and maximize continuous waterside park space, the future pavilion building has been designed to be elevated and set back closer to Battery Place and, as a result, it can accommodate a new floor below the primary park level, accessible directly from Battery Place. Given the relative lack of visual prominence of this lower level, it has been designed to accommodate kitchen back-of-house space and the BPCA Parks Departments’ storage and work spaces, which are needed but not otherwise accommodated within the existing building. As such, the footprint of the new Pavilion building will be slightly smaller than the existing building’s, and the additional square footage that you raised as a concern is a function of the additional below-grade space. Below are aerial footprints of the existing and future pavilions mapped on one another, with the existing pavilion in grey and the future pavilion in red. Including the permanent tent on its southwest side, the existing pavilion’s footprint measures 8,090 square feet, compared to the proposed pavilion’s footprint of 7,990 square feet.



The below rendering depicts the view of the new Wagner Park Pavilion with the existing pavilion outlined on it, from the perspective of a visitor to the park’s central lawn. Note that the two protuberances atop the new Pavilion house elevators that will ensure 24-hour universal access to the building’s green roof.



EXISTING PAVILION OUTLINED ON PROPOSED

At this stage of the project, after years of design collaboration with community stakeholders premised upon the inclusion of a Pavilion building that have remained unchanged throughout, the current design has been integrated into the overall resiliency project design and has been documented in detail as part of the project's environmental impact statement. Any material change to the Pavilion's design would, unlike the aforementioned changes to the lawn configuration, require significant revision and delay to the project. As a result, we do not believe it would be prudent to alter the design of the Pavilion building at this time. However, in consideration of your request that we work to expand and maximize the amount of community space available in the building, we would like to continue our conversation regarding the programming of the space. The Authority agrees with the importance assigned to community space for the public, and as such maintains facilities at 6 River Terrace, the Community Center at Stuyvesant High School, and at 200 Rector Place – the latter some 400 yards north of Wagner Park. That said, the Authority is currently planning on issuing a request for expressions of interest from potential restaurant operators. We will solicit input from the public regarding the type of establishment they'd like to see in the space, and we will confer with you and with Manhattan Community Board 1 (CB1) after we have reviewed these expressions of interest from potential operators. As we have throughout the process, the Authority remains open to a constructive dialogue regarding potential uses of the Pavilion, and even to jettisoning the concept of restaurant from the space and using that space in the building for another purpose altogether — though we expect doing so would not enjoy the support of the many residents and visitors users who enjoy such an amenity today, and who expressed a desire for a restaurant in the future resilient Wagner Park. The inclusion of a restaurant in the plans for a Pavilion has always been about how to create the best public space.

Ongoing Community Engagement

The Authority remains committed to meeting the high standard for community engagement we have set over the course of the development of this project, including as it pertains to mitigating and addressing construction impacts. The Authority's construction manager on the project, The LiRo Group, retained Melissa Johnson Associates to assist in this effort, with Rick Fogarty on their team serving as a dedicated construction liaison. The project team will maintain a hotline (917-624-5409) and email address (sbpcrinfo@bpca.ny.gov) to address issues that arise over the course of construction, and is conducting proactive outreach to neighboring properties, businesses, and residents prior to construction commencement. We want to ensure that your offices and Rick have an ongoing and direct line of communication to address issues that arise. Our own staff, of course, remains committed to this work, as well, and will remain in close contact, too. Regarding the Museum of Jewish Heritage, Authority staff and leadership speak with the Museum's team multiple times per week, with dedicated discussions pertaining to the construction impacts of the South Battery Park City Resiliency Project. We have made written commitments in response to their specific requests to minimize impacts to their operations, including a commitment to access the project site from a supplemental/auxiliary gate at 1st Place/Battery Place only when construction in that area demands its use. Primary access to the project site will occur at other locations. We will stand by this and other commitments provided to the Museum, and continue our productive collaboration with that valued community partner.

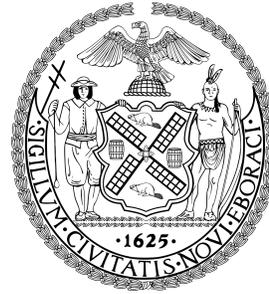
In the weeks ahead, we will also be in contact with you, CB1, and local stakeholders to solicit input and feedback regarding potential strategies to help mitigate the temporary loss of recreation space resulting from SBPCR construction closures. Our team has been brainstorming creative solutions on this topic, and aims to provide ideas and schematic designs for hardscaped areas that would provide safe and vibrant public play space for those of all ages and abilities. We are sensitive to the impact this two-year closure will have on those who rely on Wagner Park for play space.

Thank you again for your letter and for your commitment to our resiliency efforts. As stewards of this community, we share your concern for the future of our treasured public spaces, for the lives and livelihoods of those who enjoy them, and for our neighbors' meaningful participation in the planning for their future. Together, I'm confident that we can ensure a safe and climate-resilient place for us all.

Sincerely,




**Battery Park
City Authority**



August 9, 2022

B.J. Jones
President and Chief Executive Officer
200 Liberty Street, 24th Floor
New York, NY 10281

Dear Mr. Jones:

We write regarding the proposed plans for the South Battery Park City resiliency project. We recognize that over the past several years, the Battery Park City Authority (BPCA) has engaged in an extensive visioning, design, and planning process to protect the southern portion of Battery Park City from the threats of extreme weather and sea level rise resulting from climate change—and that this process has included significant outreach and community engagement, including numerous presentations and conversations with Manhattan Community Board 1, public events, walking tours, other opportunities for feedback, and participation in our recent town hall on this topic. However, we believe there remain some community concerns with the project that have not been sufficiently addressed, as outlined below. As you know, our offices have raised these issues in ongoing discussions with the BPCA following our town hall on June 15th, especially on the issue of lawn space, and we appreciate the BPCA's willingness to work with us, but we feel it is important to emphasize them again in the form of this letter.

First, the current plan as proposed significantly reduces the total amount of lawn and active play space available in Wagner Park. These spaces are currently frequently used and enjoyed by families, students, and seniors in Battery Park City as well as visitors from other neighborhoods. While we appreciate the commitment to accessibility, which we share, as well as maintaining approximately the same amount of overall green space as currently exists—including central lawns, side lawns and planted spaces—we believe it is important that the final plan ensure a robust amount of open lawn space and active play space, and we strongly urge the BPCA to maximize that space to every extent possible.

Next, we understand that the design for the new pavilion in Wagner Park significantly expands the total square footage of the building. Many in the community have expressed concerns about the expanded size of the building and its integration into the surrounding environment; we understand that even the original architects of the pavilion have expressed concern about the scale. We encourage the BPCA to reexamine the design for the pavilion, and consider options to reduce the size of the building and alter the design in order to facilitate a more inviting and seamless integration with the rest of the park. Additionally, while we appreciate the inclusion of community space in the redesigned pavilion, we encourage the BPCA to work to expand and maximize the amount of community space available in the building, in order to provide local residents and organizations with sufficient space for a diverse range of programming and activities.

Finally, notwithstanding the BPCA's significant effort, which we acknowledged above, to communicate with the Battery Park City community, the Community Board, and our offices during this process, there is significant concern that not enough information has been made publicly available regarding the construction process itself, its impacts on the community, and the steps BPCA and the contractors will take to minimize these impacts and maintain the community's quality of life. As implementation for this plan approaches, it is essential that the BPCA keep the community thoroughly informed both before any construction activity begins and throughout the project. This should include sharing detailed timing, staging, and phasing information with the broader community, Community Board 1, and our offices as soon as it is available. Furthermore, we understand that the BPCA has been coordinating closely with local institutions in the area, including the local schools and the Museum of Jewish Heritage. Given the impact this work will have on their operations, we urge the BPCA to do everything possible to work with them to minimize these impacts and accommodate the needs of these groups. For example, we encourage the BPCA to work with the Museum of Jewish Heritage to ensure that the permanent work gate that will be installed on 1st Place is installed on the west side of the road as opposed to the east side, which would immensely alleviate the impacts on the Museum.

We recognize the importance of the South Battery Park City resiliency project and the need to move forward expeditiously, in order to protect New Yorkers from the growing impacts of climate change. However, as we know you are aware, a responsive and community-centered approach is key, and we believe that the issues we have raised above, many of which have been brought up by the community in the past, are crucial matters to address before the plan is finalized.

We appreciate your consideration of these concerns, and we look forward to your prompt response. In the meantime, if you would like to discuss these issues, please feel free to contact any of us directly or via Emily Leng in Senator Kavanagh's office at eleng@nysenate.gov or 212-298-5565.

B.J. Jones

August 9, 2022

Sincerely,



Brian Kavanagh
State Senator



Christopher Marte
City Council Member



Mark Levine
Manhattan Borough President

cc: Tammy Meltzer, Chair, Manhattan Community Board 1
Alice Blank, Vice Chair, Manhattan Community Board 1
Lucian Reynolds, District Manager, Manhattan Community Board 1

NYC Mayor's Office of Climate &
Environmental Justice

August 10, 2022

Gwen Dawson
Vice President of Real Property
Battery Park City Authority
200 Liberty Street
New York, New York 10281

Re: Design and Modeling of Lower Manhattan Coastal Resiliency (LMCR) Projects

Dear Gwen,

I am writing regarding design targets, modeling data, and sea level rise (SLR) assumptions in the design of the South Battery Park City Resiliency (SBPCR) Project, one of two Lower Manhattan Coastal Resiliency (LMCR) projects that, due to their locations, are being implemented by Battery Park City Authority (BPCA).

The SBPCR project was planned and designed by BPCA in close coordination with the Mayor's Office of Climate and Environmental Justice to ensure that, when completed, the LMCR projects will work together as a compatible, unified system, offering a consistent level of coastal flood risk reduction to lower Manhattan. BPCA has adopted the same design criteria, including flood elevations, as the East Side Coastal Resiliency project and the Brooklyn Bridge-Manhattan Coastal Resilience project, as required by Local Law 96 of 2013. Together, these three projects will form a critical link in the City's overall coastal storm surge protection system, sufficient to respond to a 2050s 100-year storm, inclusive of sea level rise.

The Battery Coastal Resilience Project and the Seaport Coastal Resilience Project are designed to address lower levels of flooding associated with sea level rise only, as tiered improvements to complement projects that will protect against future coastal storms. Due to its longer design and implementation horizon, the FiDi and Seaport Climate Resilience Master Plan is utilizing a more extensive design criteria intended to protect against a 2100's 100-year storm.

The partnership between the Mayor's Office of Climate and Environmental Justice and BPCA has ensured a consistent and coordinated approach to design and implementation of these critical coastal resiliency projects, strengthening the City's efforts to adapt to the impacts of climate change and improving coastal protection for all New Yorkers.

We thank you for your continued partnership as we work to build a stronger, more resilient city.

Sincerely,



Kizzy Charles-Guzman
Executive Director
NYC Mayor's Office of Climate and Environmental Justice