

## **Rezoning Proposal for 1460-1480 Sheridan Boulevard**

### **Bronx River Alliance testimony**

June 20, 2023

The Bronx River Alliance serves as a coordinated voice for the river and works in harmonious partnership to protect, improve and restore the Bronx River corridor, greenway and parks so that they can be a healthy ecological, recreational, educational, economic – and spiritual - resource for the communities through which the river flows. For more than 20 years we have been **the** umbrella organization that supports communities along the river to manifest their dreams for it – and we have led in its protection, restoration, and connection.

We welcome investment in the river corridor when it serves to advance the goals and plans of the surrounding communities. The sites under consideration have long occupied a significant place in the communities' hopes, dreams, and plans – dating back at least twenty years with the community plan to decommission the Sheridan Expressway and create new spaces to meet community needs – an effort in which we are grateful to have partnered so closely with the Borough President's office.

Creating public waterfront access along this portion of the river and providing deeply affordable housing at the levels that match community needs were – and remain – two central components of that vision.

We appreciate that the proposal before you offers a nod to these goals, but unfortunately, **in its current form, it falls too short of them, while introducing some new concerns, and so this morning we are urging the Borough President to recommend against the project, unless there are significant modifications.**

We are concerned that the official documents accompanying the action understate the impacts and wish to highlight our concerns based on our intimate relationship to the river and close connection to the surrounding communities.

#### **1. New developments should be good neighbors, and should serve the community – especially in housing affordability and public access to the waterfront**

##### **- *Housing affordability***

Since our origins as a working group of local community organizations, we have advocated to ensure that housing affordability to prevent displacement of longtime residents is a priority in

new developments. The proposed project is likely to include more than 1,000 units and the rent levels of the units are in no way guaranteed. The levels that the expected subsidy package would make possible are very far outside the range of what more than 80% of people in the neighborhood could afford – according to the legally required Racial Equity Report that accompanies the application itself. If neighborhood residents can't afford to live there, it's not a true community resource. We applaud the aspirations for deep affordability that appear in the presentation about the project, and yet, there is nothing in place to ensure that they come to fruition. We call for stronger commitments from both the City and the development group for the provision of deeply affordable housing.

- *Public access to the waterfront - for safety and operations and for the general public*

The river is a public resource which no one entity can possess, and access to the river in the area should only be preserved and expanded by new actions. What the proposal does get right is the intention to create new public waterfront access on the sites. Any new access should be – both in practice and in “feel” – truly an extension of the Bronx River Greenway. Privately owned and managed public spaces should align with the hours and accessibility standards of surrounding parks. Similarly, preexisting essential access points should not be compromised in any way. Diminishing already existing staging areas that serve the community now should not be compromised. And access to the river should not entirely be a hard barrier giving only visual access -- without allowing for natural habitat to return.

## **2. Preserve the ecology of the river and the quality of the parks**

- *Stormwater capture*

This is a precedent-setting development, and we should be aspiring to high standards - not just here but to set the stage for the quality of waterfront development that we believe the Bronx River deserves going forward. Stormwater and combined sewer overflows are among the major sources of pollution that compromise the quality of the Bronx River, the health of its habitats, and the ability of people to truly enjoy its natural beauty. The DEIS repeatedly shifts the burden ensuring that the development meet applicable standards into the future, references the requirement of NYC DEP sewer connections and NYS DEC permitting. We'd like to see more comprehensive, forward-thinking design that far exceeds minimum legal requirements. Mechanisms such as stormwater collection tanks that slowly discharge stormwater into the river or grey water systems may be necessary and appropriate to truly minimize impacts on water quality to the greatest extent practicable.

- *Ongoing investment in parks and river maintenance*

Maintenance for the Bronx River, its Greenway, and parks is currently chronically underfunded – and greater park usage only increases the demand for maintenance.

Starlight II has just been added after decades of our advocacy — and we were honored to have the Borough President attended the ribbon-cutting. With an additional almost 3 acres, we expect this summer will make clear the challenges and needs — at the **current** usership level.

Growth in development should be accompanied by growth in the services that make the area livable — and developers who profit from the hard-fought community efforts to create a livable environment and clean river have a responsibility to support — in an ongoing way — the maintenance of those public assets. We call for substantial financial commitment that would provide ongoing support for the maintenance of Starlight Park and the river.

- *Shadows, mobility, and construction impacts*

The 24-story towers that are proposed would cast substantial shadows in the afternoon, covering the full width of the river, potentially impacting the mating capacity of American eels, river herring. The new soccer field at Starlight Park will be cast in shadow, as well as other local parks and play areas. Any design changes that would reduce these impacts would be welcome, greatly improve the proposal, and support, rather than detract, from decades of efforts at habitat restoration.

**3. Support the resources provided to the community by the Bronx River Alliance and its partners**

- *Overflow lot*

There is public parkland out of which the Bronx River Alliance operates daily that is essential to our programming on the river and in Starlight and Concrete Plant Parks, as well as the safety of the river, that is directly adjacent to the proposed zoning area.

Also known as the “Overflow Lot” this area is used for horticultural staging, keeping specialized watercraft used for water quality monitoring and other equipment that can’t be housed elsewhere, as well as space for canoes in large events. It also is used for community events that don’t have other suitable sites – like the compost giveaway that took place just last weekend.

**Every square foot of this parkland is in active, essential use, supporting the backend of**

**community projects. Altering the footprint would greatly diminish our capacity to serve the community.**

- *Space for additional programming*

The active use of this lot is indicative of the tremendous demand for programming and space for the community along the Bronx River. Ground floor uses in new developments should make affordable space available to community uses, including the Bronx River Alliance.

- **Public Process**

The land use review process is a time when the public – given sufficient time and opportunity – can comment on changes that are proposed for their community. In our experience talking with community members, **it is clear very few people are aware of the proposed actions, let alone the comment opportunities. To provide more opportunity, we request that the Borough President’s office consider holding a hearing in the evening during its review period, and/or at a minimum extend the comment period for written comments through the end of June 2023**, maximizing its legally permitting review period. That would allow for further comment on how to mitigate the significant adverse impacts found in the DEIS from construction, and more detailed commentary on the transportation and mobility in the area, which particularly impacts the Bronx River Greenway and park access by public transit.

**To address the above concerns, we urge the following modifications:**

**1. Support greater public participation.** Extend the deadline for written comments until June 30, 2023, and consider holding another hearing in the evening. Utilize the full period of review afforded to the Borough President

**2. Guarantees about providing deeply affordable housing.**

From both the City and the developers – detail about the specific subsidy package that would be applied for; what specific mix of levels it would achieve; the conditions that could cause that affordability not to materialize, and what the developer would do in that instance to fulfill a commitment.

**3. Wastewater and Stormwater capture improvements that reflect the environmentally sound future we desire, not the minimal requirements of the current legal framework. We’d like to see 100% of the stormwater that falls on the site captured, to minimize impacts on water quality.**

4. **Substantial financial commitment that would provide ongoing – perpetual - support for the maintenance of Starlight Park and the river, at the level of funding multiple staff members.**

Building on the precedent established by the Riverside Center zoning action which included a developer contribution to Riverside Park and the recreation center, we urge that the action require developer payments into a Bronx River & Greenway maintenance and programming fund that would support the long-term viability and maintenance of the Bronx River Greenway. There are various ways to accomplish this: ongoing commitments or a one-time contribution. The latter could be per unit, payable upon completion of each unit and placed in escrow for parks maintenance and programs. But it must be used in a way that generates an ongoing stream for it to be meaningful.

5. Ensure that the Overflow Lot's functionality and existing uses are preserved; support the creation of an additional 1200 sq ft of permanent storage space.
6. Design changes that would reduce the impact of shadows.
7. Support for the MTA to provide ADA access to Whitlock Avenue station within 12 months of project completion.

We value the perspective of the Borough President as she considers this proposal. We look forward to continuing to be in conversation with the development group and all stakeholders who are invested in the future of this area to ensure that its future aligns with community values and needs.

Thank you.

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