



11/2/22 Update to Appendix EDC since PortSide's CWP statement was written in June 2021

The following is an update to our critique of the EDC called "Appendix EDC" submitted to the [Comprehensive Waterfront Plan](#) (CWP) of the Department of City Planning (DCP) June 2021.

The EDC pretends to use fair government bidding processes such as RFP, but acts at will, discriminates, and plays favorites.

1. The Formula E car race got a 10-year contract to race annually in Atlantic Basin, but there was no RFP for car races or any special event. It is hugely disruptive to year-round tenants, many have left.
2. The EDC regularly discriminates against PortSide by making us do processes that other tenants don't have to do and by denying us what other tenants can do:
 - a. The EDC made us do a 3rd business plan in [2018](#) to get building space they promised us from 2008-2011. Then, they rented the space to Formula E for dead storage most of the year.
 - b. In response to our 2018 business plan, the EDC denied us our request to have subtenant boats alongside our ship, but Lehigh Maritime grew a sizeable flotilla of subtenant boats during the pandemic.
 - c. In April of 2022, the EDC rented other space in the warehouse to tenant Lehigh Maritime on such short notice (about a week) we doubt he created a business plan for the space.
3. PortSide was not granted permission to give harbor tours using the NYC Ferry dock here as a landing. Metropolitan Waterfront Alliance was allowed that for [their Sandy10 tour](#).
4. Note that in 9/24/18 Dwayne Braithwaite [filed a Notice of Claim](#) to sue the EDC for \$15 million dollars for machinations on this pier and one in Sunset Park, claiming collusion with Hornblower to control the NYC charter boat market. They settled.

New evidence of EDC being an abusive landlord

1. The 4th week of September 2022, the [EDC evicted most of the maritime \(ship\) tenants](#) on Pier 11 on 4 days' notice. This violated the berth permits (compare to a lease) 30-day revocable clause. Emails were sent on Monday saying boats had to leave by the weekend. These were followed by phone call threat: "if you don't get out by the weekend, you won't have access to the other DockNYC piers to pick up your passengers." One company moved their boats to Jersey City. The EDC's justification was that construction of NYC Ferry Homeport 2 had to start; but the EDC had public plans about that project since April 2019, so same-week evictions reflect poor planning. Also, note that in September, the EDC [testified at the City Council](#) that NYC Ferry would not expand until finances stabilized, and building a homeport is an expansion.

That same week the boats were evicted, on Friday 9/23 at 3:55pm, PortSide got a cease-and-desist letter saying our pandemic PortSide Park had to be out by Monday (Rosh Hashanah). If not, our ship could be evicted. The letter falsely claimed that we had created a dangerous situation for kids. PortSide Park earned a "Covid Everyday Heroes Award" from Borough President Eric Adams in July 2021. Our statement and media coverage is [here](#).

PortSide NewYork, aboard the tanker MARY A. WHALEN

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Unreasonable terms specific to Pier 11 boat tenants:

- a. PortSide's latest permit signed 3/23/22 prohibits "sleeping on boats" which prohibits a "shipkeeper" a standard thing on historic ships (compare to housekeeper in NYC historic houses in NYC parks) unreasonably limits PortSide programming and the staffing options for us; and in PortSide's case, makes our Executive Director homeless. Without her being on our historic ship MARY A. WHALEN at night as shipkeeper, the ship is vulnerable to night intruders (historic ships attract them), increasing the risk that people get aboard and get hurt or killed, and increasing the risk that our shipboard office is plundered. Note that the EDC's berthing permit, delivered via the DockNYC program, has security be the responsibility of tenants coordinating amongst themselves. The EDC has not repaired rollup doors on the warehouse along the pier, two doors can't close; so intruders can get on the pier even if gates are locked. On 3/31/22, a tenant on site did not press charges after police apprehended 3 people for stealing, raising the validity of our concern that having our resident "shipkeeper" displaced makes our office and intruding public vulnerable.

EDC regularly spreads false information

1. Responding to media questions about eviction of PortSide Park, the EDC claimed that PortSide Park violated their lease with the Port Authority (PANYNJ). However, the PANYNJ accepted PortSide Park and even planned to profile PortSide in one of their newsletters.
2. EDC claims that their lease with the PA means that the EDC cannot give us the size space and length of lease we request in our campaign to finally "right-size PortSide." We seek a multi-year permit to be eligible for multi-year grants and loans and finally have institutional stability and long-term program planning:
 - a. In an email of 7/13/22, Felix Ceballos, EDC VP of Asset Management wrote "currently we can only issue 1-year licenses per our lease with Port Authority." According to the Port Authority, "we do not limit a license or sublease to 1 year. However, anything more than 60 days or 5,000 sq ft, does need the PA's consent."

A. Criticism of Comprehensive Waterfront Plan (CWP) – it ignores its own mandate, hurting PortSide

PortSide submitted the attached critique of the EDC to the [Comprehensive Waterfront Plan](#) (CWP) of the Department of City Planning (DCP) to signal how waterfront governance needs to be improved. We also called for "right-sizing PortSide" and getting relief from restrictions imposed mainly by the EDC, with some from the Port Authority. All issues with the Port Authority were resolved within 90 days of our contacting them last year.

1. On behalf of our own needs and as waterfront advocates, we feel compelled to point out that the final CWP report does NOT live up to the values it espouses since it repeatedly calls for community input, engagement and stewardship of NYC's waterfront but ignores the 200+ comments, 2/3 of all comments submitted, which called for "right-sizing PortSide" as per our list of demands at <https://www.bit.ly/ASHORE2>.

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1. PortSide offers a great example of stewardship; however, the CWP does not even mention PortSide in the final CWP, whereas we had been mentioned in the prior plan, Vision 2020, created in 2010. How can DCP not mention PortSide in a plan touting the importance of community waterfront stewardship and community input when the community input overwhelmingly supports PortSide? Was someone's thumb on the scale to erase that much community input, or is the CWP just an exercise in virtue signaling? Note that Vision 2020 mentioned PortSide or our ship by name 3 times plus included photos from PortSide and included and affirmed PortSide plans without using our name. More on that and our word analysis comparing terms used in the final Vision 2020 and the 2021 CWP in a webpage we will launch at www.portsidenewyork.org/rethinkEDC.
2. The eviction of PortSide Park does NOT align with the DCP CWP goal of the Waterfront Access Plan. The week after our park was evicted, Mayor Eric Adams was on the [DCP Instagram account](#) saying that more shoreline public spaces should be made for neighborhoods like Red Hook.

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