

At I.A.S. Part 72 of the Supreme Court of the State of New York, held [REDACTED] for the County of Kings, [REDACTED] [REDACTED] on the 5th day of January 2021.

Hon. Donald S. Kurtz
JSC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

----- X
In the Matter of the Application of :
:
FRIENDS AND RESIDENTS OF GREATER :
GOWANUS, VOICE OF GOWANUS, LINDA :
MARIANO, MARLENE DONNELLY, ANN :
KATHRIN KELLY, and MARGARET :
MAUGENEST, :
:

ART 78 - P

Petitioners,

For Judgment Pursuant to Articles 63 and 78 of the :
Civil Practice Law and Rules, :

- against -

CITY OF NEW YORK, THE NEW YORK CITY :
DEPARTMENT OF CITY PLANNING, :
and MARISA LAGO, in her capacity as Director :
of the Department of City Planning, :

Respondents,

- and -

CITY PLANNING COMMISSION,

Nominal Respondent.
----- X

Index No.: 501178/2021

ORDER TO SHOW CAUSE

**ORAL ARGUMENT
REQUESTED**

Upon the Affirmation of Emergency of Jason E. Zakai, Esq., dated January 15, 2021;
Affidavit of Brad Vogel, sworn to January 14, 2021 ("Vogel Aff."); Affidavit of Diane Buxbaum,

sworn to January 14, 2021 (“Buxbaum Aff.”); Affidavit of Nora Almeida, sworn to January 14, 2021 (“Almeida Aff.”); Affidavit of Marianne Donnelly, sworn to January 14, 2021 (“Donnelly Aff.”); Affidavit of Linda Mariano, sworn to January 14, 2021 (“Mariano Aff.”); Affidavit of Martin Bisi, sworn to January 14, 2021 (“Bisi Aff.”); Affidavit of Atiya Stroman, sworn to January 14, 2021 (“Stroman Aff.”); Affidavit of Glenn Kelly, sworn to January 15, 2021 (“Kelly Aff.”); the Petition verified on January 15, 2021; the exhibits annexed thereto; and the accompanying Memorandum of Law,

Part 25 of

LET Respondents show cause before the Supreme Court of the State of New York, County appearances virtually, by telephone, or as per Part 25 Rules of Kings, ~~at the Courthouse located at 360 Adams Street, Brooklyn, New York~~, on the 27th day of January, at 9:30 ~~o~~ clock ~~in the~~ am of that day, why an order or judgment shall not be made and entered herein:

1. Pursuant to CPLR §6301 and §7803(3), preliminarily enjoining and preventing, pending a determination on the Verified Petition, Respondents and any and all persons or parties acting at their direction and/or on their behalf, from certifying the Uniform Land-Use Review Procedure (“ULURP”) application (“Application”) for the Gowanus Neighborhood Plan submitted by Respondent The New York City Department of City Planning (“DCP”), or otherwise proceeding with the Application and the corresponding review process therefor, including holding public hearings on the Application “virtually” or remotely;

2. Pursuant to Article 78, granting writs of mandamus, directing and/or compelling Respondents to comply with the provisions of the New York City Charter (“City Charter” and Rules of the City of New York (“City Rules”) with respect to the ULURP Application, by: (i) providing at least thirty days pre-certification notice in accordance with the provisions of the City Charter (“30-day Pre-Certification Notice”); (ii) publishing the 30-day Pre-Certification Notice on DCP’s website within five days thereafter, in accordance with the provisions of the City Charter; (iii) forwarding

the necessary Application documents to the proper recipients in accordance with the provisions of the City Charter; (iv) modifying the anticipated certification date of the ULURP Application in accordance with such aforementioned compliance; (v) holding in-person public hearings as part of the ULURP public review process for the Application, in accordance with the City Charter and City Rules; and (ii) present the ULURP Application through in-person public hearings at physical locations as required by the City Charter and City Rules;

3. Declaring that Respondents' actions in conducting the ULURP public review process for the Application through virtual or remote hearings, rather than in person hearings at a place of public assembly, violates the City Charter and/or City Rules;

4. Vacating, annulling, and/or voiding the ULURP Application and any certification thereof, upon grounds that Respondents' aforesaid actions are in violation of Petitioners' constitutional rights to due process and freedom of speech;

5. Granting such other relief as this Court deems just and proper, including the costs, disbursements, and reasonable attorneys' fees incurred in connection with this Proceeding.

TEMPORARY RELIEF PENDING HEARING

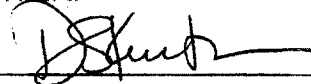
IT IS FURTHER ORDERED that, pending a hearing ~~and determination~~ on this motion, restraining Respondents and any and all persons or parties acting at their direction and/or on their behalf, from certifying the ULURP Application for the Gowanus Neighborhood Plan submitted by DCP, or otherwise proceeding with the Application and the corresponding review process therefor, including holding public hearings on the Application "virtually" or remotely;

Let personal service

~~SUFFICIENT CAUSE APPEARING THEREFOR~~, it is hereby ordered that e-filing of

a copy of this Order to Show Cause and the papers upon which it is granted ~~via NYSCEF staff~~ on or before 9:30am on January 19, 2021 shall constitute good and proper service herein upon the New York City Law Department, ~~100 Church~~

ENTER:

 _____

JSC