



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

July 31, 2013

Amanda M. Burden
Chair
City Planning Commission
22 Reade Street
New York, New York 10007

Re: Proposed Flood Resilience Text Amendment – 130331 ZRY

Dear Chair Burden:

Manhattan Community Board 4 (MCB4) supports the proposed Flood Resilience Text Amendment contingent on certain conditions discussed below.

Directly following Hurricane Sandy when even the most optimistic person realized that the once in a lifetime storm is now almost a bi-yearly event, the Office of the NYC Mayor issued an Executive Order to temporarily suspend certain zoning provisions in order to enable property owners to make key decisions about rebuilding. As a result, the Department of City Planning (DCP) has proposed changes to the zoning that focus on:

- enabling buildings in flood zones to be built to Federal Emergency Management Agency (FEMA) standards;
- reducing vulnerability to future flooding;
- protecting against future increases in flood insurance premiums;
- coordinating with other planning efforts; and
- giving owners more choices for ways to rebuild and support the recovery of the neighbor hood.

We appreciate the fine work that DCP staff put into these text amendments and the principles upon which the proposed amendments were constructed. However, we often found that more consideration was paid to the developer and/or property owner and then to the surrounding community. The surrounding community is just as much a victim as the developer and/or property owner to storms like Hurricane Sandy and therefore should not be the only one compromising. Our conditions are influenced by that observation.

Height

We understand that existing FAR will be maintained. We understand that changes will apply within the 100-year flood zones on the latest FEMA flood maps and that all buildings would be

measured from the Flood Resistant Construction Elevation (FRCE). This allows the building envelope to stay the same but also allows a taller building to be constructed. This is what we mean when we say one side makes all the compromises. The building can go up higher to compensate the owner but the surrounding community must then accept the extra height with nothing in return.

This outcome is especially troublesome for special districts. We insist as a condition for support that all special district rules apply at all times. The regulations in the special districts within CD4 need to be maintained.

Mechanical systems

Given the reality of flooding, mechanical systems must be protected and closed off or most likely put on the roof. DCP has done a good job in thinking through where on the roof the systems can be placed but concerns remain. The rules should not be rigid. We believe these systems should be set back as far back as possible and whatever the measurements are in the end, they should not preclude the possibility of further setback depending on the building. The reasons for this concern include noise and context.

Manhattan Community Board 4 and its Quality of Life Committee deal on a daily basis with noise complaints, often from HVAC and other mechanical systems on neighboring buildings. There must be sound mitigation measures established for the issuance of permits to erect these systems and these systems must be strictly regulated. Once they are up and running, getting them moved or further muffled is a very cumbersome process for the community and expensive for the owner.

In addition, many community areas are contextual in appearance, especially in historic districts, and the increasing need to put mechanical systems on top of buildings may be incompatible with the contextual aesthetic of the community. These systems should be enclosed in ways that helps maintain the context.

Obstructions

Certain flood protection features are presently not allowed in certain courts and other open areas. We understand that some obstructions will be permanent but the text should reflect that those obstructions that can be moved shall be moved when the flooding recedes.

Loss of Usable Use

As we previously stated, the regulations of the special districts must be complied with. Compliance with the new rules in the Building Code results in the loss of useable ground floors for existing buildings. The proposed text allows owners to add an equivalent amount of space above the FRCE within the building envelope, where the ground floor is compliant and wet-flood-proofed.

We feel that in special districts where ground floor retail is envisioned on the avenues that dry floor proofing should be required and not just an option.

Streetscape

For new buildings where the FRCE is 10 feet or more above grade, often the ground floor will only be used for parking, storage, or access and then resulting in a blank wall facing the street. This is a serious concern. In these situations, where safety becomes a concern due to less street activity we think that the planting requirements for residential buildings also should apply to the commercial building, provided they are not already built out to the lot line. We also insist that commercial advertising not be allowed on the blank street walls; other ways of enlivening a place can be devised other than crass commercialism.

Thank you for your consideration in this matter.

Sincerely,



Corey Johnson
Chair



Jean-Daniel Noland, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: Edith Hsu-Chen, Frank Ruchala - DCP
Gail Benjamin, Danielle DeCerbo – City Council Land Use Division
Melanie LaRocca - NYC Council Speaker Christine Quinn
Brian Cook, Michael Sandler – Manhattan Borough President Scott Stringer
NYS Senator Brad Hoylman
NYS Assemblyman Richard Gottfried
US Congressman Jerrold Nadler
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