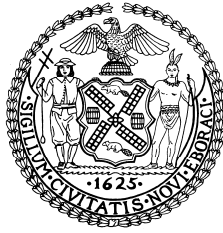


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The City of New York
Manhattan Community Board 8

**ZONING & DEVELOPMENT COMMITTEE
MINUTES**

July 8, 2013- 6:30pm
Celebrity Center, 65 East 82nd Street

Present: Elizabeth Ashby, Rita Popper, Marco Tamayo, Teri Slater (Co- Chair), Elaine Walsh (Co-Chair)

1. Flood Resilience Zoning Text Amendment - N130331ZRY

Presentation by Melissa Cerezo on the Flood Resilience Zoning Text Amendment. Currently there is a Mayor's executive order to allow for flood-resilient building construction in designated flood areas. The current order must be renewed every 5 days. This zoning text amendment would rectify this process and permit: "removal of regulatory barriers that hinder or prevent the reconstruction of properties damaged by hurricane Sandy. It is also needed to enable new and existing buildings to comply with new, higher flood elevations issued by the Federal Emergency Management Agency(FEMA), and to new requirements in the building code" (T. Wargo, Dept. of City Planning, NYC correspondence, May 23, 2013).

This zoning text amendment would update zoning in flood areas to comply with FEMA issued advisory flood maps. These maps include the higher flood elevations and a larger 100-year (1 percent annual chance) flood zone, containing as much as twice the number of buildings as before. These preliminary maps will undergo a public review process and eventually be adopted as official FIRMs, replacing the current ones. FEA anticipates that this process will be complete in 2015, (FRTM, Item 3).

The presentation included: discussion of regulations, FEMA regulations, NYC building codes and the impact on NY Zoning and future construction; dry and wet flood proofing, changes to how buildings construct entrances, parking garages, placement of mechanicals and use of the ground flood. In order to comply with FEMA regulations, the commissioner for the Department of Buildings can permit a waiver. The FEMA regulations apply to residential, commercial and community facilities. The FEMA regulations will require all new or reconstructed building in the flood areas to be built 10 feet above the flood level. These buildings would be permitted to build 10 feet higher than what is currently allowed.

The need to implement the FRZTA would end the renewal of the Mayor's emergency order and allow for the residences and other buildings to rebuild.

There was a lengthy discussion as to how the FRZTA would impact Community Board 8. It was noted that in the plan there was no mention of CB8 while other communities were singled out as to impact and need for the FRZTA. The FEMA map clearly identified the areas 59 street to 80th street and 90th street to 96 street along the west side of the FDR drive and going west to at least York Avenue as part of the new FEMA flood plain. Questions were raised as to building design and the lack of any attention in the application to CB8. Clearly construction proposed or in process—MTS, Sloane Kettering (61st St. 73rd St) are in the flood zones. The presenter did not have information as to how these facilities were to comply. What happens when a land owner, does not wish to comply with the new rules? The answer was they will not be able to construct a building. Issues were raised as to buildings located in Historic districts, were landmarked, located in R8B areas. It was that there will be additional Zoning text amendments that relate to additional areas of the City and respond to continuing knowledge as to how NYC can prepare for future storms and flooding. There were no readily available answers.

The committee requested and Melissa Cerezo agreed to find out the answers to our questions and provide additional information

The committee was supportive of the emergency need to help those areas more impacted by Hurricane Sandy but were not satisfied that there was no mention of our community---given we experience flooding on the avenues closet to the East River and the FDR drive was flooded as was asphalt Green and 61st Street.

The committee intends to write a letter to the NYC Department of City Planning with questions regarding MCB 8's special needs and concerns: broad sweeping statements on construction; Impact for Marine Transfer Station and other flood prone areas in the community; height regulations as it pertains to existing zoning regulations clarification regarding how the 10 foot level above the FEMA base line will be included in building height; flood proofing regarding existing or new construction; public review process for new construction; vulnerable areas in CB8; clarity as to what local planning will be necessary to address other complex and neighborhood-specific issues affected by flooding; clarification as to compliance with regulations within Historic districts.

As there was no new business meeting was adjourned.

FLOOD RESILIENCE ZONING TEXT AMENDMENT - N130331 ZRY

WHEREAS, the Department of City Planning is proposing a zoning text amendment to "enable flood-resistant building construction throughout designated flood zones.

WHEREAS, the executive order by NYC Mayor Michael Bloomberg pertaining to emergency repair of properties damaged by Hurricane Sandy expires every five days.

WHEREAS, this zoning text amendment would be permanent and eliminate the need for the renewal of the executive order of the Mayor.

WHEREAS, this proposal is needed in order to remove regulatory barriers that would hinder or prevent the reconstruction of properties damaged by Hurricane Sandy and to enable new and existing buildings to comply with new, higher flood elevations issued by the Federal

Emergency Management Agency (FEMA), and to the new requirements in the building code.

WHEREAS, the proposed Flood Resilience Zoning Text Amendment will address the following issues:

- Measuring building height with respect to the latest FEMA flood elevations
- Accommodating building access from grade
- Locating mechanical systems above flood levels.
- Accommodating off-street parking above grade.
- Accommodating flood zone restrictions on ground floor use.
- Improving streetscape.

WHEREAS, the zoning text amendment will cover the new FEMA flood zones

WHEREAS, this zoning text amendment is the first of a series of zoning text amendments and covers the existing facilities damaged by Hurricane Sandy and new construction in the new FEMA regulations.

THREEFROE, BE IT RESOLVED THAT Manhattan Community Board 8 supports this zoning text amendment to meet the FEMA regulations in the 100 year (1% annual chance) flood zone identified on the most recent FEMA flood maps, to all buildings that meet flood resistant construction standards, using the most recent FEMA elevations.