



Community Board 12 - Manhattan Washington Heights & Inwood

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Eleazar Bueno, Chairperson
Ebenezer Smith, District Manager

January 29, 2021

Hon. Marisa Lago, Chair
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Re: Resolution commenting on the Department of City Planning's Zoning for Coastal Flood Resiliency Text Amendment

Dear Chair Lago:

At the General Meeting on Tuesday, January 26, 2021, Community Board 12 Manhattan, passed the following resolution with a unanimous vote of 43 in favor, 0 opposed, 0 abstentions, and 0 not voting, supporting the Department of City Planning's Zoning for Coastal Flood Resiliency Text Amendment and offering some comments on the proposed zoning regulations.

Whereas: The New York City Department of City Planning ("DCP") is proposing a citywide zoning text amendment, Zoning for Coastal Flood Resiliency ("ZCFR" or the "Text Amendment"), to update the Special Regulations Applying in Flood Hazard Areas (the "Special Regulations") of the New York City Zoning Resolution and to make permanent the provisions in the Flood Resilience Zoning Text Amendment, adopted in 2013, and the Special Regulations of Neighborhood Recovery, adopted in 2015. These 2013 and 2015 provisions were temporary measures adopted on an emergency basis after Hurricane Sandy hit New York City in 2012 to advance the reconstruction of storm-damaged properties and enable new and existing buildings to comply with flood-resistant construction standards outlined in the New York City Building Code; and

Whereas: The 2013 zoning text amendment removed zoning barriers to all storm-damaged and new buildings to comply with higher flood elevation and resiliency construction requirements. The 2015 zoning text amendment simplified documentation requirements and removed additional zoning barriers to give extra relief and accelerate post-Sandy recovery in certain areas that were heavily damaged; and

Whereas: The vast majority of the city's floodplain is already developed and includes 125,539 buildings citywide, 5,737 buildings in Manhattan, and 240 buildings in Manhattan Community District 12. Nearly 800,000 residents currently live in the city's floodplains. While many sources of flooding pose issues to New York City, including those from severe rainstorms and impaired infrastructure, DCP deems coastal flooding storms to pose the most significant risk because of their ability to compromise public safety, cause property damage and disrupt business; and

Hon. Marisa Lago, Chair

Re: Resolution commenting on the Department of City Planning's Zoning for Coastal Flood Resiliency Text Amendment
January 29, 2021

Page 2

Whereas: The Text Amendment's regulations would apply to all lots wholly or partially located in the current 1% and 0.2% annual change floodplains. The storm surge from Hurricane Sandy went well beyond the 1% floodplain to inundate half of the city's 0.2% floodplain; and

Whereas: The Text Amendment incorporates lessons learned from neighborhood studies and community workshops undertaken after Hurricane Sandy, closes certain loopholes in current regulations, and advances four major planning goals: i) to encourage resiliency throughout current and future floodplains; ii) to support the long-term resilient design of all building types; iii) to allow for adaptation of existing buildings over time through incremental retrofits, and iv) to facilitate future recovery by reducing regulatory obstacles; and

Whereas: The Text Amendment would also provide flexibility for grading and shoreline design in waterfront areas to help mitigate flood risk, and would prohibit the construction of new nursing homes in flood-sensitive areas, given the negative health consequences associated with evacuating nursing home residents; and

Whereas: The Text Amendment was presented by representatives of DCP at the June 5, 2019 meeting of Community Board 12-Manhattan (CB12-M)'s Land Use Committee to discuss the scope of its draft Environmental Impact Statement ("DEIS") and on December 2, 2020, and January 6, 2021, to discuss its goals and objectives; and

Whereas: In February 2019 CB12M passed a resolution supporting the use of enhanced planning and design standards for waterfront development projects in the Manhattan Community District 12 and citywide and urging DCP and the Department of Buildings to update the Zoning Resolution and Building Code to incorporate best practices that maximize resiliency considerations in the planning, design, and construction of waterfront developments. In June 2019 CB12M passed a resolution offering comments on the scope of the draft Environmental Impact Statement for the Text Amendment. Now, therefore be it

Resolved: Community Board 12-Manhattan supports the Department of City Planning's Zoning for Coastal Flood Resiliency Text Amendment and offers the following comments on the proposed zoning regulations:

1. Coordinate coastal zoning regulations and building code requirements to ensure consistency and to avoid conflicts between compliance with flood resiliency and accessibility, i.e. ADA compliance.
2. Increase Building Department enforcement of zoning regulations to ensure compliance with flood resiliency requirements.
3. Consider reducing allowable density for new construction and set more restrictive standards for higher-density new construction in flood sensitive areas.
4. Do not limit flood resiliency zoning regulations to coastal sites. Flood resiliency zoning regulations should also apply to inland sites that are susceptible to flooding in instances of heavy precipitation.
5. Coordinate the flood resiliency zoning regulations and Building Code with any flood zone maps used in connection therewith to ensure that topography is accurately reflected and considered, e.g. a sloping coastal site/zoning lot may only partially be subject to flooding.

Hon. Marisa Lago, Chair

Re: Resolution commenting on the Department of City Planning's Zoning for Coastal Flood Resiliency Text Amendment

January 29, 2021

Page 3

6. Establish expiration dates on flood risk assessments using the worst-case scenario, i.e. the most pessimistic forecast, in assessing flood risks. Update flood risk forecast and applicable zoning regulations on a regular cycle, not more than every 10 years.
7. Provide ongoing public education, in multiple languages, on flood resiliency threats and the range of mitigation measures as well as forums to make sure property owners are well informed of the coastal zoning regulations and encourage them to share their experiences.
8. Provide technical assistance and financial incentives to encourage retrofitting existing buildings in flood zones.
9. Consider a managed retreat scenario for undeveloped flood-sensitive sites, changing the land-use to parkland, wetlands, or other resilient open space.
10. Compare the economic benefits such as new tax revenues and resident/consumer spending against the costs incurred from incidents of flooding for new development in flood sensitive areas.
11. Establish independent panels to consider climate risk on zoning and economic development and advise the City on applicable policy decisions.
12. Establish flood resiliency regulations and capital projects to address flood threats posed to infrastructure and resulting from impaired infrastructure.
13. Use consistent units of measure for expressing flood risk to allow for comparison across sites and flood events.
14. Ensure climate change risks such as flooding are thoroughly and accurately considered for all facets of CEQR/SEQR reviews and Environmental Assessment and Impact Statements.

Sincerely,



Eleazar Bueno
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Jumaane Williams, Public Advocate
Hon. Scott M. Stringer, Comptroller
Hon. Brian Benjamin, State Senator
Hon. Robert Jackson, State Senator
Hon. Gale Brewer, Manhattan Borough President

Hon. Al Taylor, Assembly Member
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member