



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK  
ZONING DIVISION

Amanda M. Burden, FAICP, *Director*  
Department of City Planning

**RECEIVED**

**MAY 28 2013**

**BY COMMUNITY BOARD 8**

May 23, 2013

**Re: N 130331 ZRY**  
Flood Resilience Zoning Text Amendment

Dear Community Board Member:

The Department of City Planning is proposing a zoning text amendment to enable flood-resilient building construction throughout designated flood zones. The proposal is needed in order to remove regulatory barriers that would 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.

Owners of severely damaged or destroyed buildings are required to comply with the flood resistant construction standards of the Building Code when they rebuild. In addition, any property owner within the newly enlarged FEMA flood zones may wish to make their building comply with new FEMA standards, which call for them to be raised or floodproofed to a higher elevation. Applying these new standards will reduce a property's vulnerability to future floods, as well as help to avoid higher flood insurance premiums. However, in many instances, zoning regulations or conflicts between zoning and Building Code requirements would make it difficult, or in some cases impossible, for owners to build or retrofit to these standards.

The proposed Flood Resilience Zoning Text Amendment modifies zoning to enable buildings to meet the latest flood zone requirements. It also removes impediments to flood-resistant construction, and introduces measures to mitigate the potential negative effects of flood-resistant construction on the streetscape and public realm. Issues addressed by the text amendment include:

- 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

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The proposal would apply 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 flood elevations. In addition, all new or elevated buildings in the 100-year flood zone would be subject to rules to mitigate the potential negative effect of higher first floors on the public experience of the street. This proposal, which will go through the full public land use review process, addresses urgent issues for which solutions can be applied throughout the flood zone. Additional local planning will be necessary to address other complex and neighborhood-specific issues in areas severely affected by Hurricane Sandy.

Please refer to the attached description in the application for a more detailed description of the proposed amendments.

The application was referred out by the City Planning Commission on May 20, 2013. The application for the zoning text amendment is not subject to the Uniform Land Use Review Procedure (ULURP) and does not require a public hearing by the Community Board. However, if you have any comments or recommendations on this application, please send them by July 29, 2013 to:

City Planning Commission  
Calendar Information Office  
22 Reade Street, Room 2E  
New York, N. Y. 10007

If you have any questions on the proposed text amendment, please refer to the Department of City Planning website: <http://www.nyc.gov/planning>

You can also contact Chris Holme at the Department of City Planning at (212) 720-3234.

Sincerely,



Thomas C. Wargo

Enclosure

C: Jacquelyn Harris, DCP  
James Merani, DCP  
All Borough Presidents  
Department of Buildings  
Board of Standards & Appeals  
City Council  
Affected Community Boards  
All Borough Boards