A grayscale map of the New York City waterfronts, showing the Hudson River, East River, and various islands and piers. The map is overlaid with a fine grid pattern.

Revisions to NYC's Waterfront Revitalization Program

City Council Zoning Sub-Committee Hearing
September 30, 2013

NYC PLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK



Alley Pond Creek

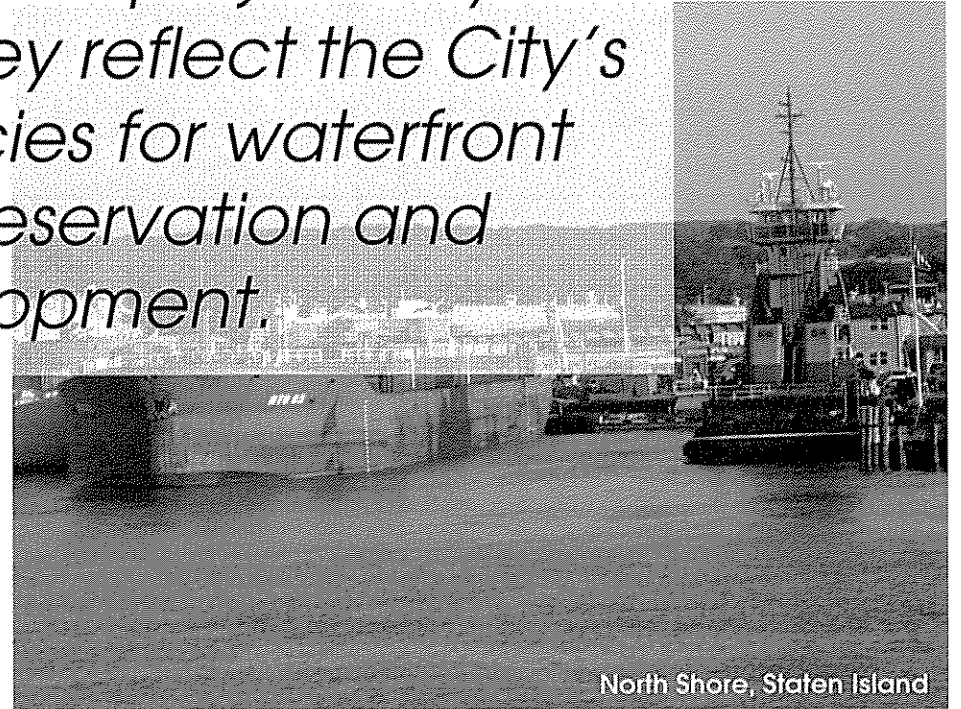


Upper Bay

*The **New York City Waterfront Revitalization Program (WRP)** is a planning tool that helps shape and improve coastal projects by requiring that they reflect the City's long-term policies for waterfront planning, preservation and development.*



Rockaways, Queens

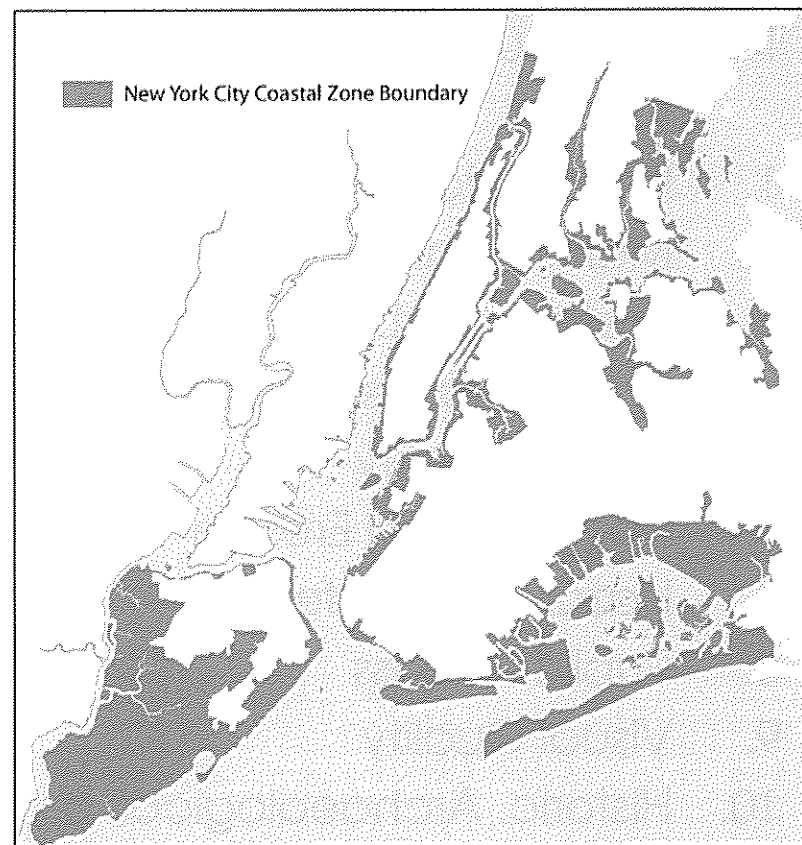


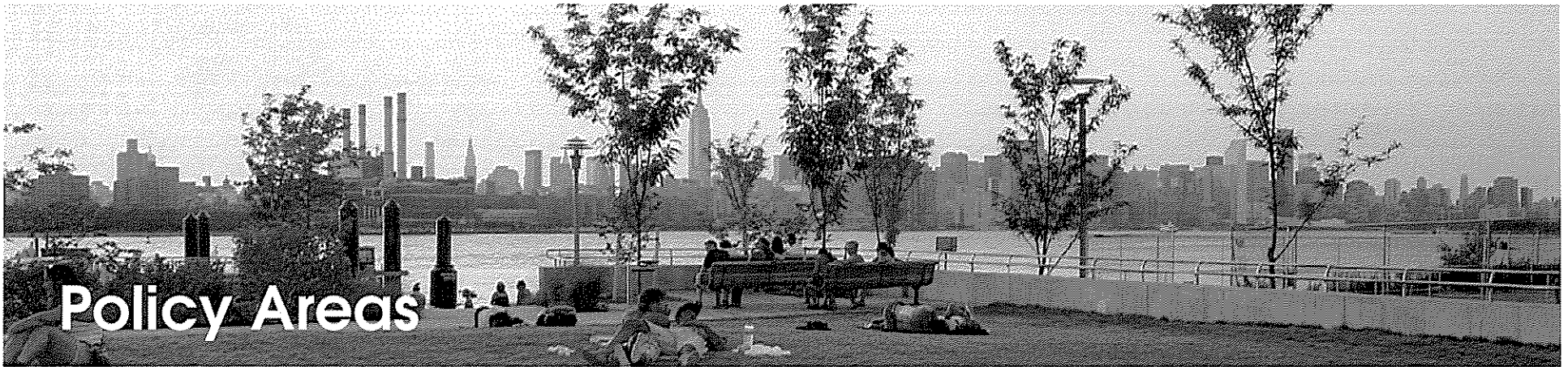
North Shore, Staten Island



NYC Coastal Zone

Projects in the **Coastal Zone** which require a federal, state or city discretionary action are subject to WRP review.





Policy Areas

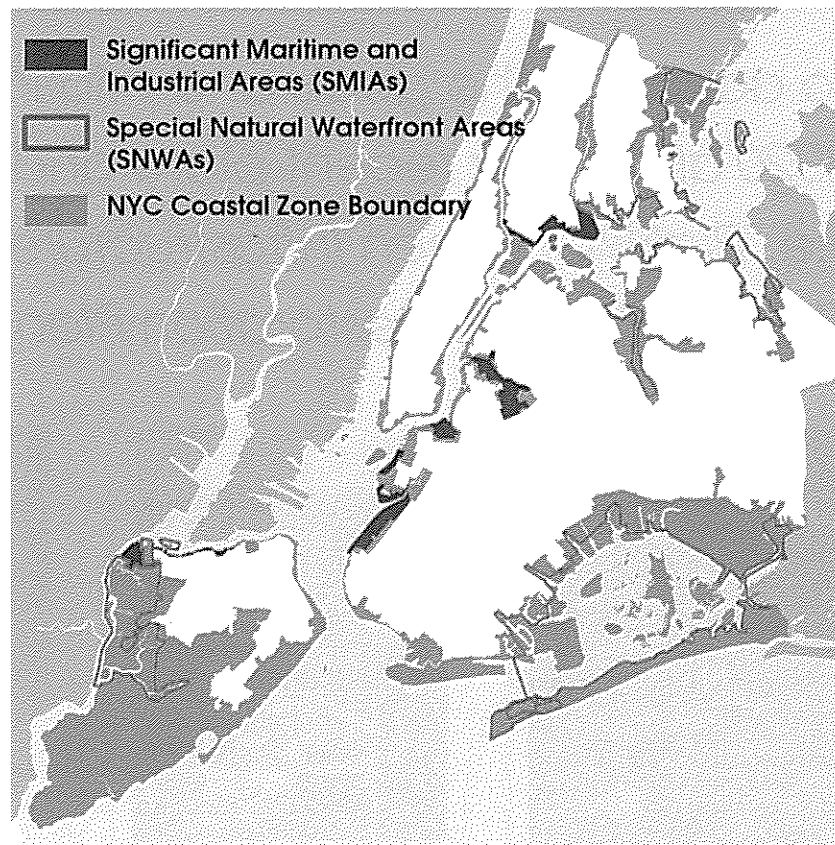
There are 10 policy areas in the current WRP:

1. Residential and Commercial Redevelopment
2. Maritime and Industrial Development
3. Waterways Usage
4. Ecological Resources Protection
5. Water Quality
6. Flooding and Erosion
7. Hazardous Materials
8. Public Access
9. Visual Quality
10. Historic, Archaeological, and Cultural Resources



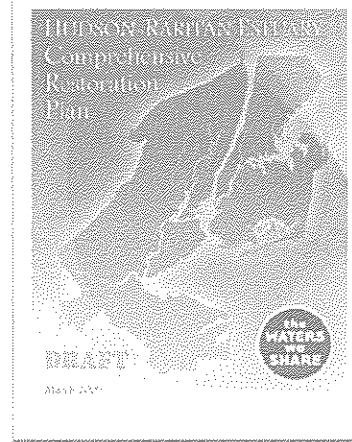
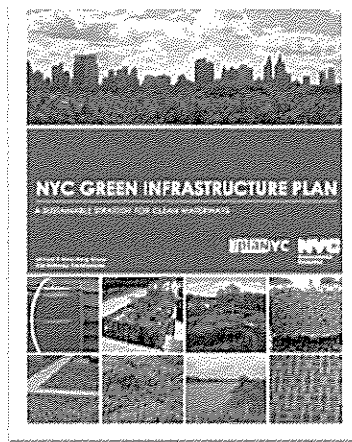
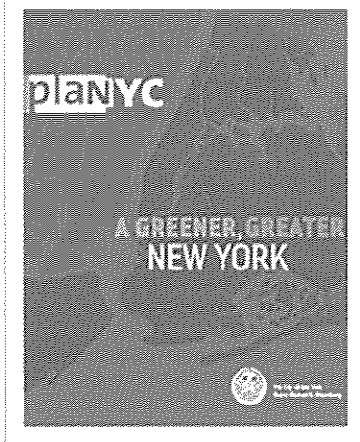
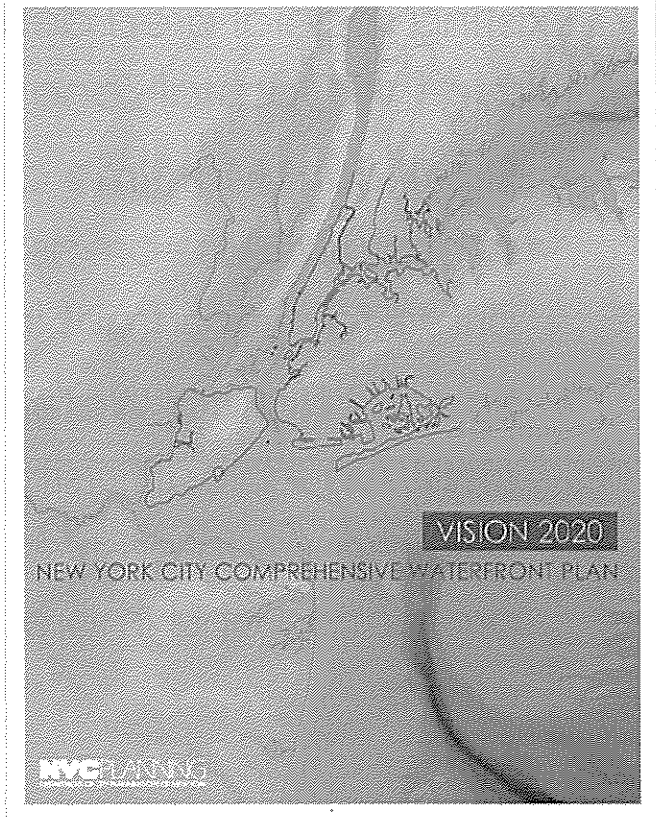
Existing special area designations within the Coastal Zone:

- **Significant Maritime and Industrial Areas (SMIAs)** – areas that are prime for waterfront industry
- **Special Natural Waterfront Areas (SNWAs)** – biodiversity-rich areas that require intensive habitat protection and improvement efforts





To advance the goals and priorities of *Vision 2020* and other recent plans and reports (i.e. *PlaNYC*, *Green Infrastructure Plan*, *Comprehensive Restoration Plan*)





Introduce Climate Change Planning into the WRP

- Require projects to assess the vulnerabilities associated with coastal flooding based on climate change projections.



Governors Island Park Master Plan takes in sea level rise into consideration, elevating many sections of the park above the projected future flood plain.



Improve the Working Waterfront

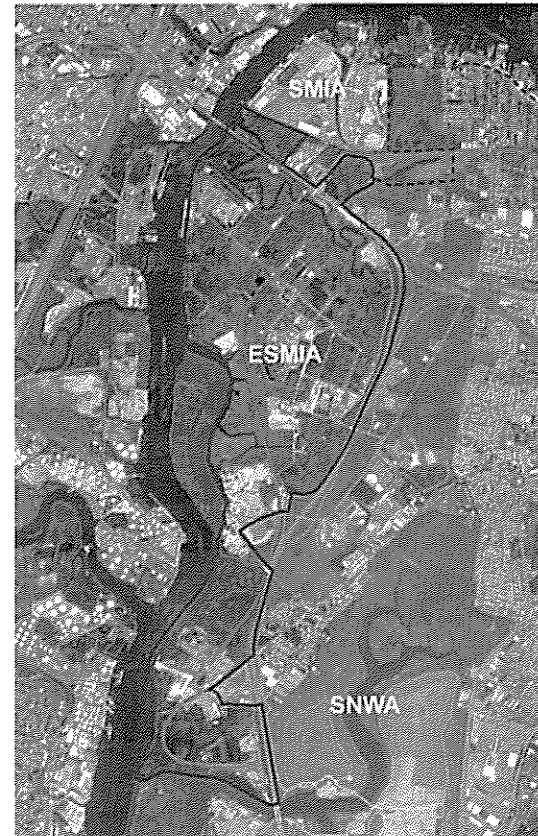
- Strengthen the prioritization of water-dependent uses in SMIAAs
- Create and map a new designation to be called the **Priority Marine Activity Zones** to promote shoreline infrastructure for waterborne transportation.



Priority Marine Activity Zones (PMAZ)



- Promote industrial development in concert with ecological preservation along the West Shore of Staten Island by creating a new designation, the **Ecologically Significant Maritime and Industrial Area (ESMIA)**.

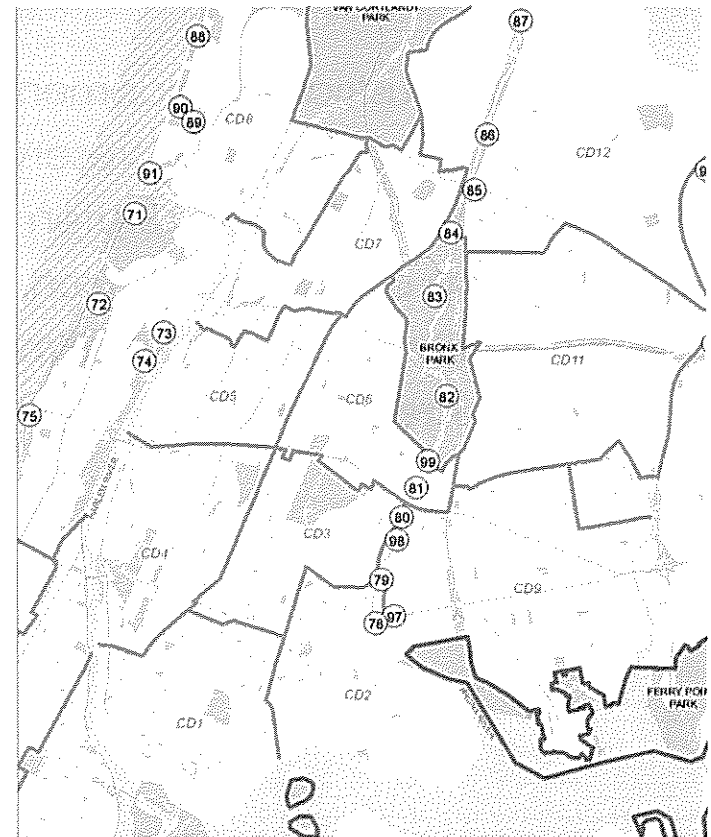


Ecologically Sensitive Maritime and Industrial Area (ESMIA)*



Promote a range of restoration goals city-wide

- Identify additional ecologically-significant sites as **Recognized Ecological Complexes**, and promote their protection, remediation, and restoration.



Recognized Ecological Complexes (REC)



Increase public access to, from and around the waterfront

- Promote in-water recreation in safe and suitable locations and describe a set of criteria for evaluating if a site is safe and suitable.
- Incorporate design principles for waterfront public spaces described in *Vision 2020*.



Red Hook Boaters at Valentino Pier, Brooklyn

Public Comments Received

Borough President/Borough Boards

Manhattan Borough Board	<i>Approved with comments</i>
Bronx Borough Board	<i>Approved with comments</i>
Queens Borough Board	<i>Approved with comments</i>
Manhattan Borough President	<i>Approved with comments</i>
Brooklyn Borough President	<i>Approved with comments</i>

Other Comments

NYC Environmental Justice Alliance
American Planning Association
Maritime Association of NY/NJ
Pratt Center
Newtown Creek Alliance
El Puente
EWVIDCO

Community Boards

Bronx CB 4	<i>Approved</i>
Bronx CB 8	<i>Approved with comments</i>
Bronx CB 12	<i>Approved</i>
Manhattan CB 1	<i>Approved with comments</i>
Manhattan CB 8	<i>Approved with comments</i>
Manhattan CB 12	<i>Approved with comments</i>
Queens CB 2	<i>Approved</i>
Queens CB 8	<i>Approved with comments</i>
Staten Island CB 3	<i>Approved with comments</i>
Brooklyn CB 1	<i>Approved with comments</i>
Brooklyn CB 2	<i>No action</i>
Brooklyn CB 7	<i>Approved with comments</i>
Brooklyn CB 10	<i>Approved with comments</i>
Brooklyn CB 15	<i>Approved with comments</i>

Public Comments: Major Topic Areas

- Industrial area policies
- Wetlands
- Climate change adaptation
- Hazardous materials and toxic chemicals
- Public access in industrial areas
- Post-Sandy revisions

Comments on policies – Industrial Area Policies

Public Comment

The policy language for redevelopment inadequately protects local industrial jobs and businesses

Response

Clarify the intent of the relationship between Policy 1 (Residential and Commercial Redevelopment) and Policy 2 (Maritime and Industrial Development). Policy 2 is to “support maritime and industrial activity in the SMIA’s”. Policy 1 on Residential/Commercial Redevelopment states that redevelopment may be considered where land is vacant and underused, subject to consideration of Policy 2 on Maritime/Industrial Development

Comments on policies – Wetlands

Public Comment

The WRP should protect other ecologically sensitive areas located in the Sunset Park SMIA or adjacent to the South Bronx SMIA by designating those areas as ESMIAs.

Response

Clarify language that ESMIA principles should apply in SMIA's near significant natural resources.

Comments on policies – Climate Adaptation

Public Comment

Require that all projects conduct a “formal risk assessment” by a qualified architect or engineer.

Unless proven infeasible, mitigate threats identified, particularly for industrial pollution prevention.

Response

Clarify language in Policy 6.2 A to include identifying vulnerabilities and general consequences, but do not use the phrase “risk assessment”

Incorporate suggestion that the assessment should be undertaken by a “licensed architect, engineer or other qualified professional”

Rather than mitigating all threats, Policy 6 ensures that design techniques to address vulnerabilities related to climate change are identified and incorporated into projects where appropriate and practicable.

Comments on policies – Hazardous Materials

Public Comment

The WRP does not adequately address the transferring, storage and use of hazardous materials, particularly in light of climate change.

Response

The WRP is not a good vehicle for oversight of ongoing daily operations. Retain reference to the siting of the storage of hazardous materials.

Comments on policies – Public Access

Public Comment

Require an appropriate form of waterfront public access, unless proven infeasible & unsafe, in the SMIA and ESMIA.

Response

This would superimpose new public access requirements on those projects subject to WRP review, and contradict established public policy established under zoning.

However, add language to Policy 8 to expand list of types of public access to be encouraged in industrial areas.

Comments on maps

Example of change to Priority Marine Activity Zones

Comment	Maps
<p>Priority Maritime Activity Zones map should be revised as follows:</p> <ul style="list-style-type: none"> Modified in Greenpoint to include the foot of Manhattan Avenue in proximity to the Greenpoint Boathouse 	<p>— PMAZ (Proposed)</p> <p>SMIA_Changes Proposal</p> <ul style="list-style-type: none"> SMIA Proposed Elimination SMIA Proposed Addition SMIA (Proposed) <p>Include the foot of Manhattan Avenue in proximity to the Greenpoint Boathouse as a PMAZ</p> <p>Orthophoto Base Map Copyrighted by the New York City Department of Information Technology and Telecommunications. All rights reserved.</p>

Post-Sandy Revisions

Comment

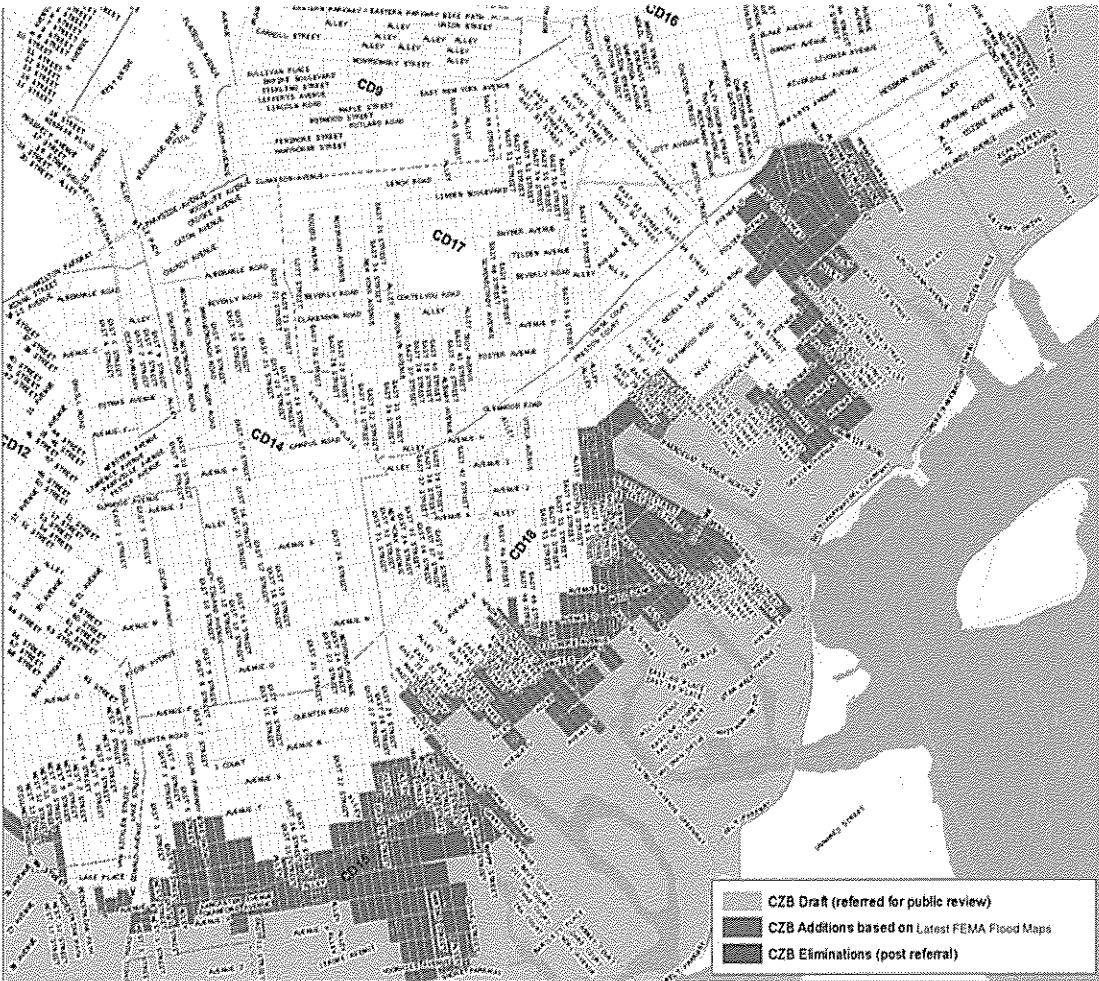
Modify the WRP based on lessons learned from Hurricane Sandy.

Proposed Modification

- Improve the resiliency of marinas
- Highlight the importance of dunes in beach nourishment projects
- Encourage multifunctional coastal protection infrastructure that has a range of co-benefits
- Incorporate resilient shoreline design into waterfront public space guidelines

Post Sandy Proposed revisions: maps

Coastal Zone Boundary

Proposed Revision	Map (Example)
<ul style="list-style-type: none">• Expand the Coastal Zone Boundary to include the most current FEMA Flood Maps (500-year)• Create a process by which the Coastal Zone Boundary can be updated as new FEMA flood become available.	 <p data-bbox="1459 1321 1843 1419">Legend: ■ CZB Draft (referred for public review) ■ CZB Additions based on Latest FEMA Flood Maps ■ CZB Eliminations (post referral)</p>

Revisions to NYC's Waterfront Revitalization Program



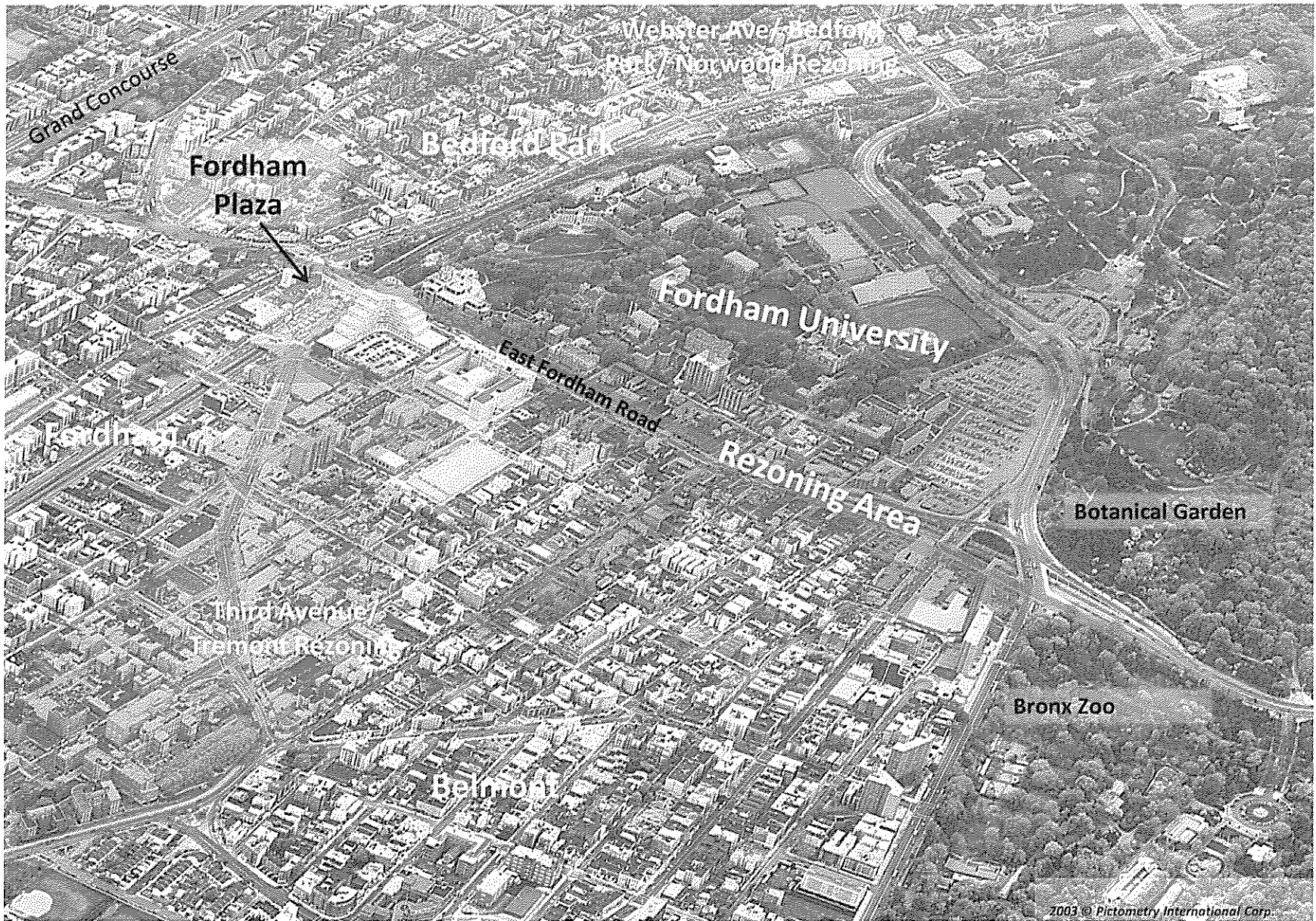
EAST FORDHAM ROAD REZONING

City Council Hearing
September 30, 2013



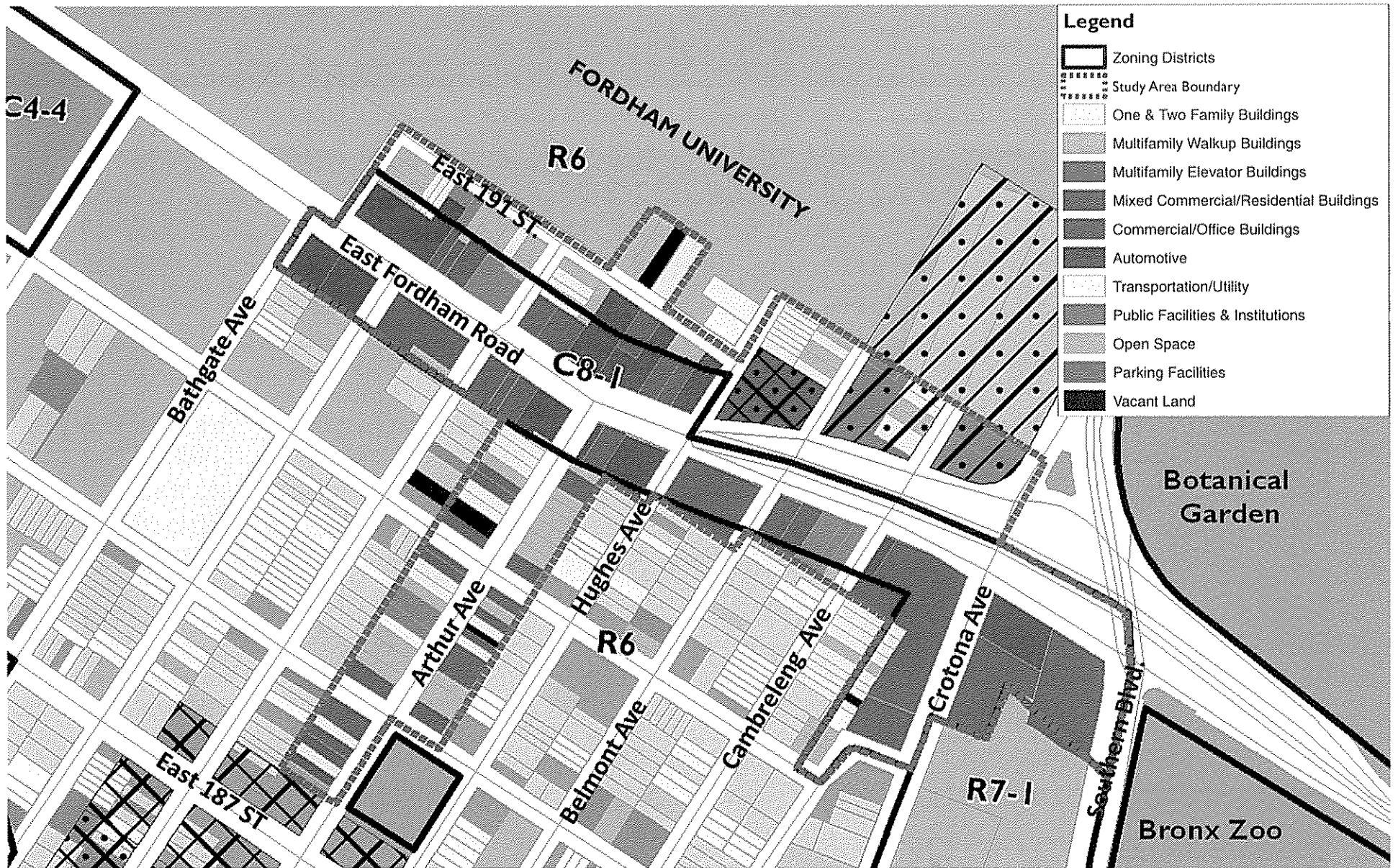
PROJECT AREA

EAST FORDHAM ROAD REZONING



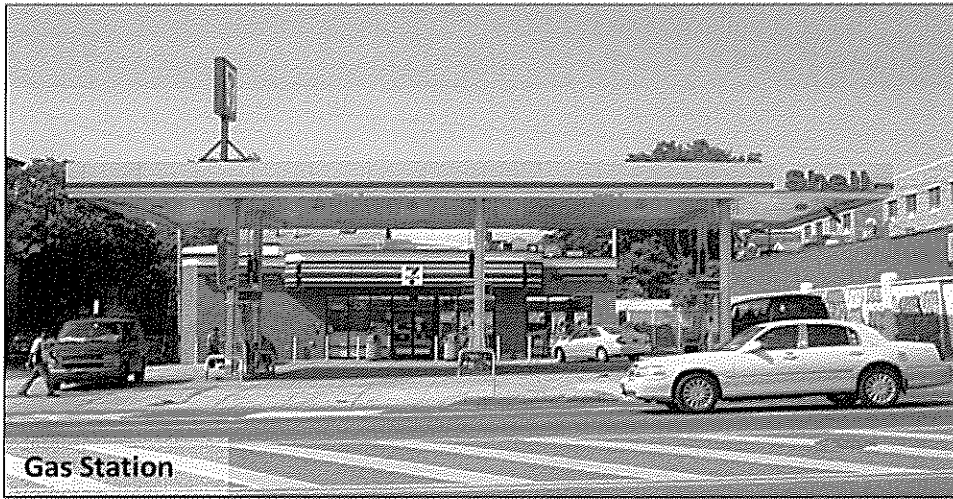
SURROUNDING AREA

EAST FORDHAM ROAD REZONING



EXISTING ZONING/LAND USE

EAST FORDHAM ROAD REZONING



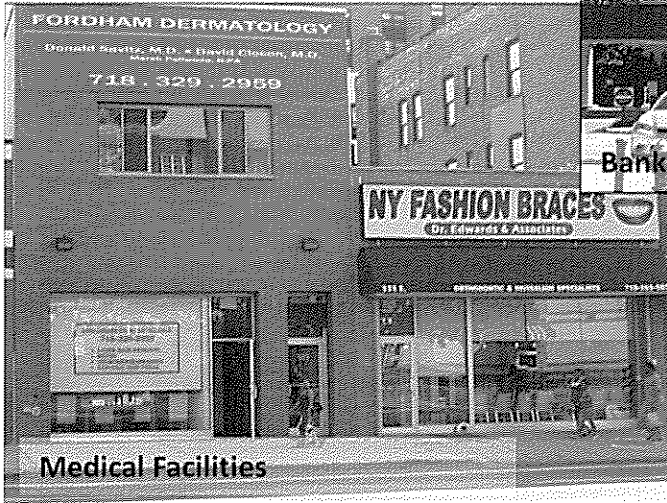
Gas Station



One-Two Family Attached



Bank



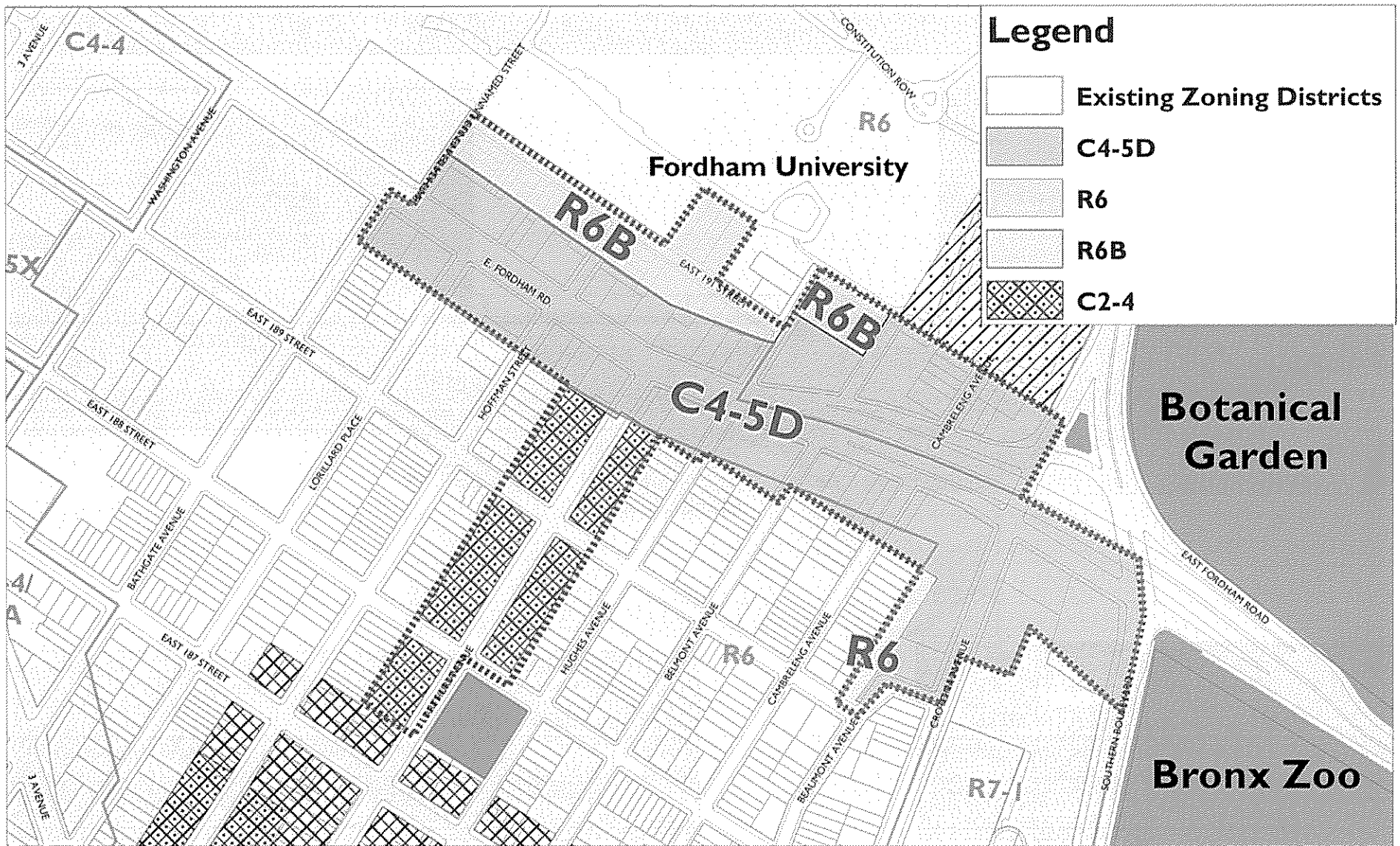
Medical Facilities



Apartment Building with ground floor retail

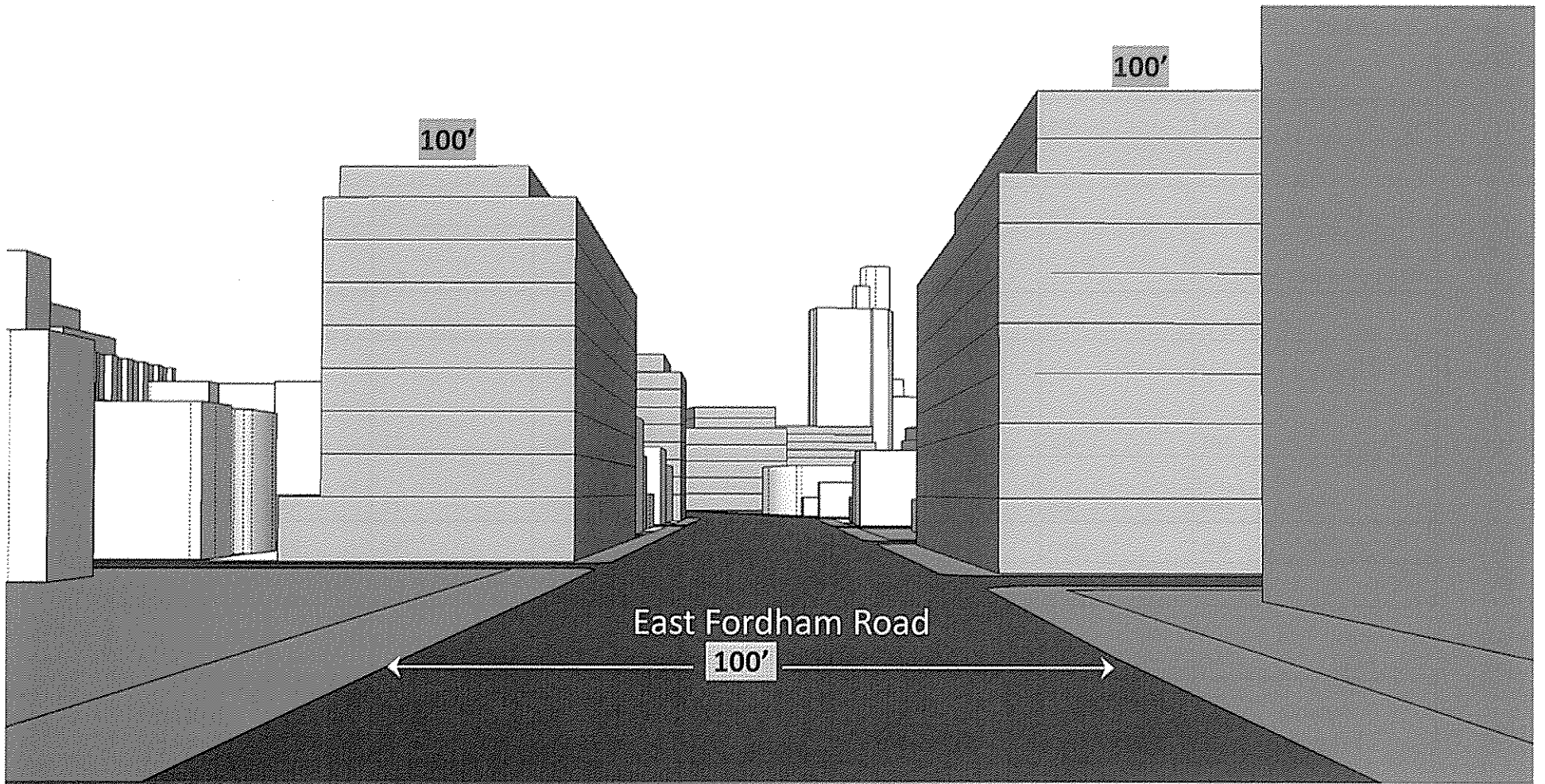
LAND USE & BUILT FORM

EAST FORDHAM ROAD REZONING



PROPOSED ZONING

EAST FORDHAM ROAD REZONING



PROPOSED ZONING

EAST FORDHAM ROAD REZONING

ZONING REFERENCE CHART

Zoning District	Use Groups Allowed	Maximum FAR			Base Height	Max Bldg Ht	Off-Street Parking
		Residential	Commercial	Community Facility			
					Min to Max		
EXISTING ZONING							
R6 Height Factor	1-4	2.43	N/A	4.8	Sky Exposure Plane	None	70%
R6 Quality Housing Narrow Street	1-4	2.2	N/A	4.8	30-45ft	55ft	50%
R6 Quality Housing Wide ow Streetusing Street	1-4	3.0	N/A	4.8	40-60ft	70ft	50%
C8-1	4-13, 16	Not permitted	1.0	2.4	Sky Exposure Plane	None	Varies by use
C1-4	1-6	N/A	2.0	N/A	N/A	N/A	1 space per 1,000 sf of floor area
C2-3	1-9, 14	N/A	2.0	N/A	N/A	N/A	1 space per 400 sf of floor area
PROPOSED ZONING							
R6B	1-4	2.0	N/A	2.0	30-40ft	50ft	50%
R6 Quality Housing Narrow Street	1-4	2.2	N/A	4.8	30-45ft	55ft	50%
C2-4	1-9, 14	N/A	2.0	N/A	N/A	N/A	1 per 1000sf
C4-5D	1-6, 8-10, 12	4.2 /5.6 with Inclusionary Housing Bonus	4.2	4.2	60-85ft	100ft	1 per 1000sf for retail 50% of the residential units

Proposed
Flood Resilience Text Amendment



INTRODUCTION

Context

January 31, 2013: Mayor's Emergency Executive Order

- Interim emergency measure to temporarily suspend certain zoning provisions in order to enable property owners to rebuild
- Must be followed by a zoning text amendment

Purpose

This text amendment codifies many provisions of the EO and introduces new provisions to:

- Reduce vulnerability to future flooding
- Protect against future increases in flood insurance premiums

Applicability

- Applies only within FEMA 100-year flood zones
- Applies when buildings are constructed to flood-resistant standards using the flood elevations on the latest FEMA maps, whether required by Building Code or done voluntarily
- Streetscape standards apply to all new or elevated buildings

Emergency Nature of this Action

- Address urgent needs to recover from the storm and rebuild to the best available flood-resistant standards
- Further text amendments expected to address more complex issues associated with buildings in flood zones
- Additional local planning will be needed in severely affected areas

REGULATORY FRAMEWORK

FEMA Flood Maps

- The Federal Emergency Management Agency (FEMA):
- Creates flood maps
 - Sets standards for flood-resistant construction.

New York City Building Code
Flood-Resistant Standards

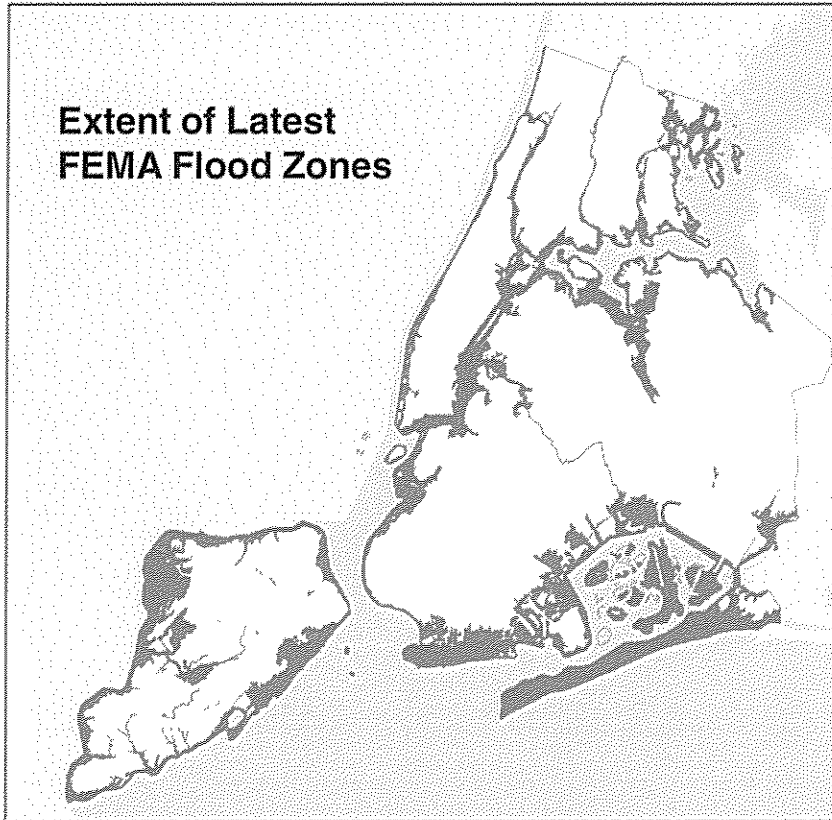
- Required to meet minimum criteria established by:
- FEMA
 - New York State Building Code

New York City
Zoning Resolution

- The Zoning Resolution:
- Regulates building size, location, and use
 - Must accommodate buildings that meet the standards established in the Building Code.

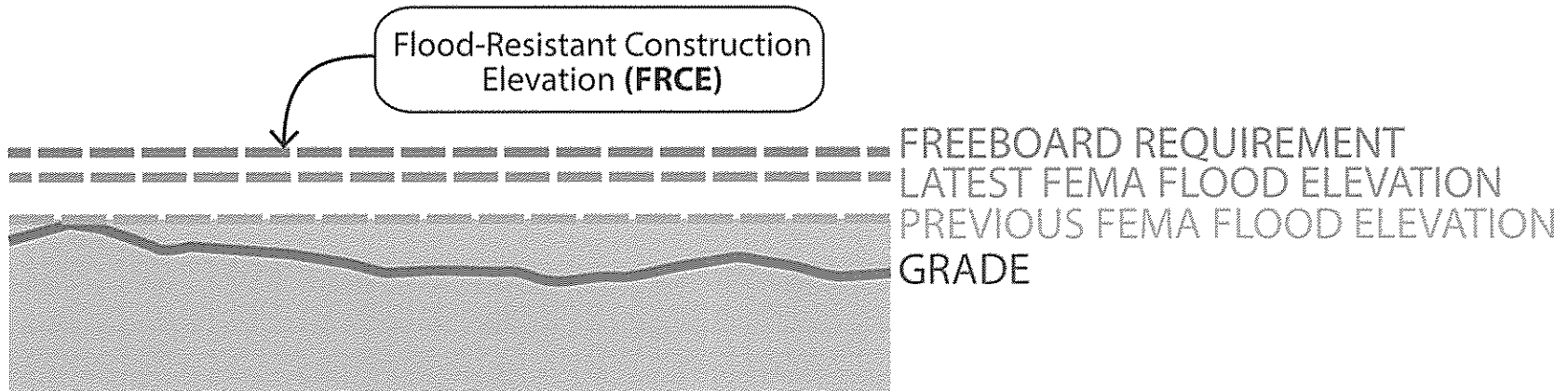
FEMA MAPS AND BASE FLOOD ELEVATIONS

Extent of Latest FEMA Flood Zones



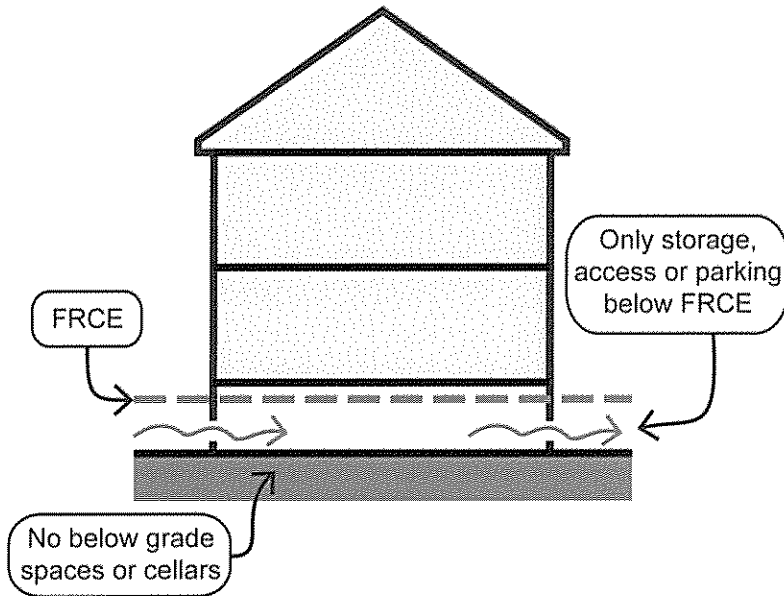
- FEMA Flood Maps were first adopted by NYC in 1983, and have not been significantly changed since then
- After Hurricane Sandy, FEMA released a series of updated advisory flood maps. Preliminary FIRMs will be issued soon
- These latest flood maps have not been officially adopted, but represent the best available information on flood risk, and can be used to plan rebuilding
- In these latest flood maps, the 100-year flood plain covers a larger area and flood elevations are higher
- FEMA expects new flood maps to be adopted by 2015, replacing the current maps from 1983

Flood-Resistant Construction Elevation (FRCE)



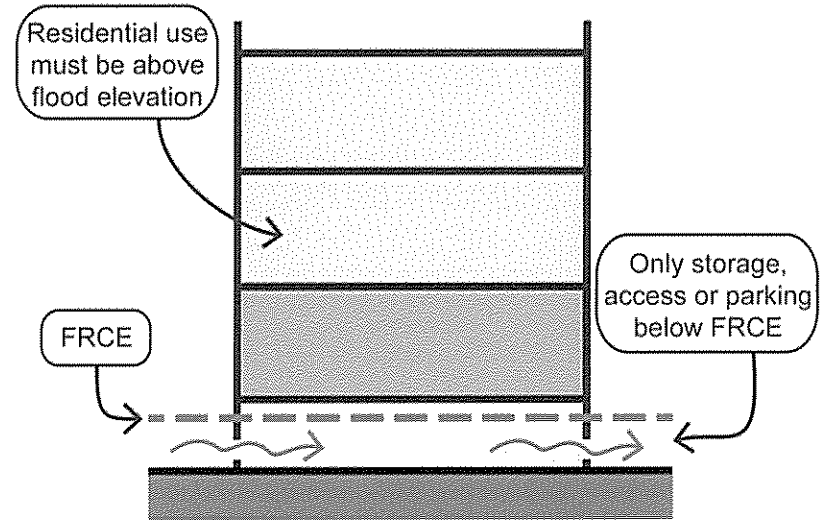
FEMA: FLOOD ZONE CONSTRUCTION STANDARDS

Residential buildings

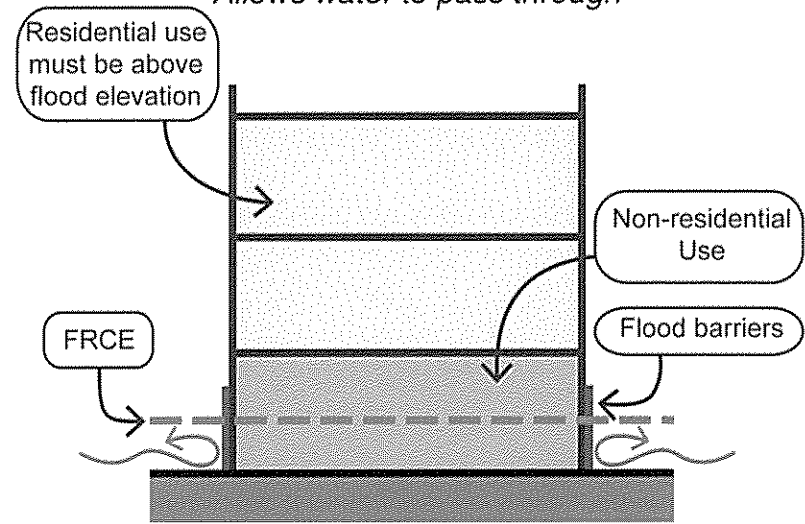


ELEVATED / WET FLOOD-PROOFED
Allows water to pass through

Non-residential and mixed-use

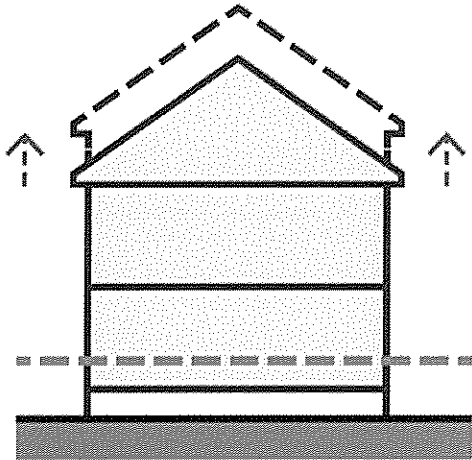


ELEVATED / WET FLOOD-PROOFED
Allows water to pass through

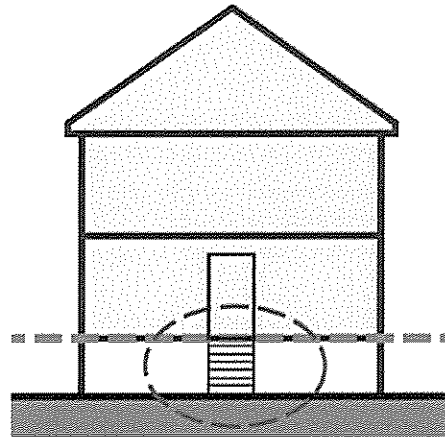


AT GRADE / DRY FLOOD-PROOFED
Keeps water out

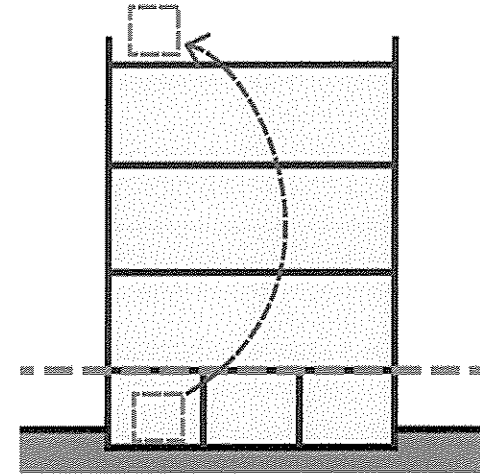
ZONING ISSUES RESULTING FROM FEMA RULES



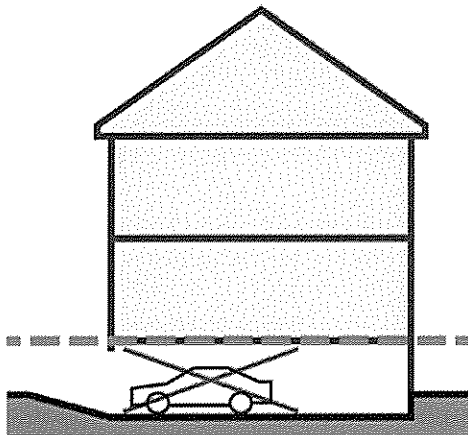
HEIGHT
must recognize elevation requirements in flood zones



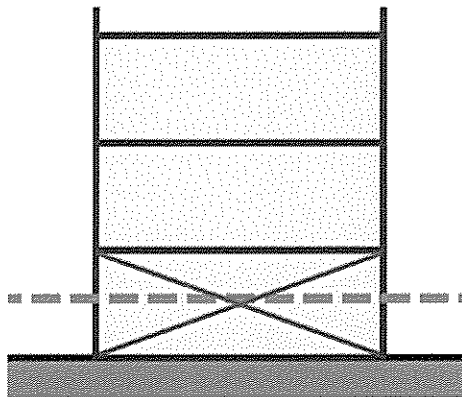
ACCESS
need for stairs or ramps requires imaginative solutions



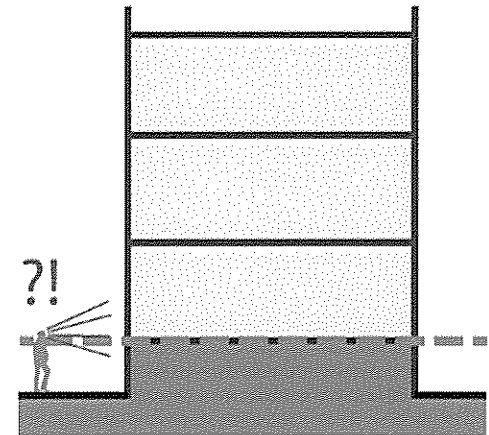
MECHANICAL SYSTEMS
must allow relocation out of flood-prone areas



PARKING
may not be possible below ground



GROUND FLOOR USE
buildings may be allowed only limited use of ground floors



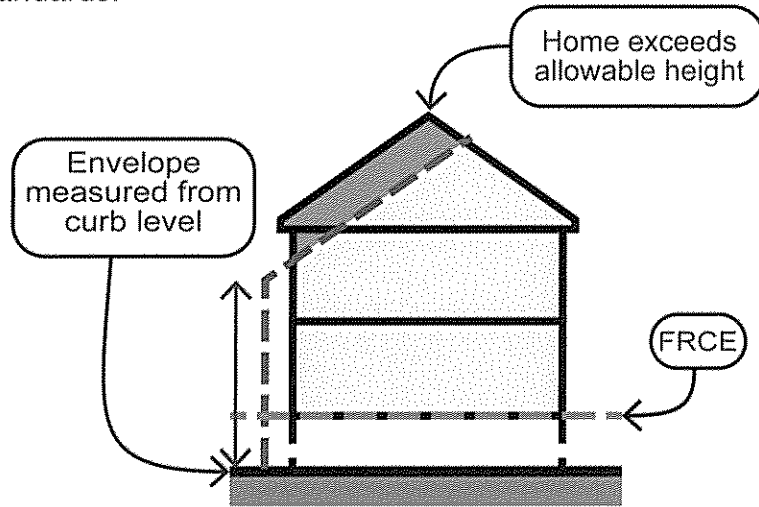
STREETSCAPE
limit negative effect of blank walls on streetscape

MEASURING BUILDING HEIGHT

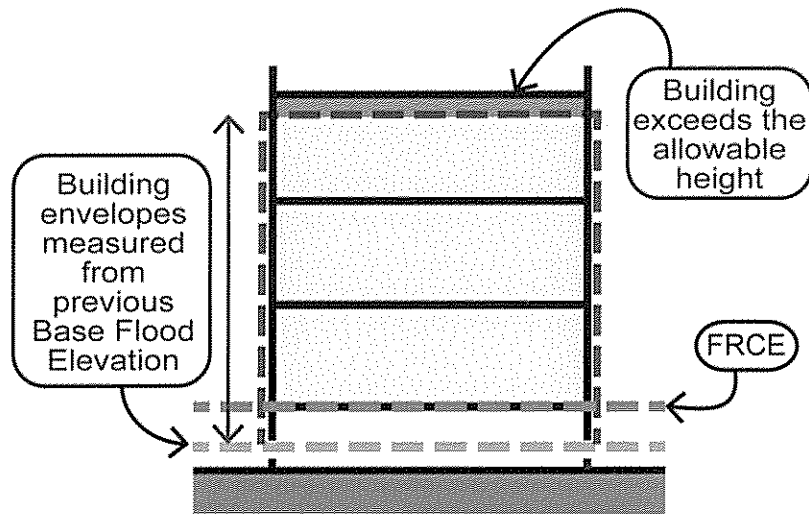
NEW REFERENCE POINT

Issue

Existing rules are not based on current flood-resistant standards.



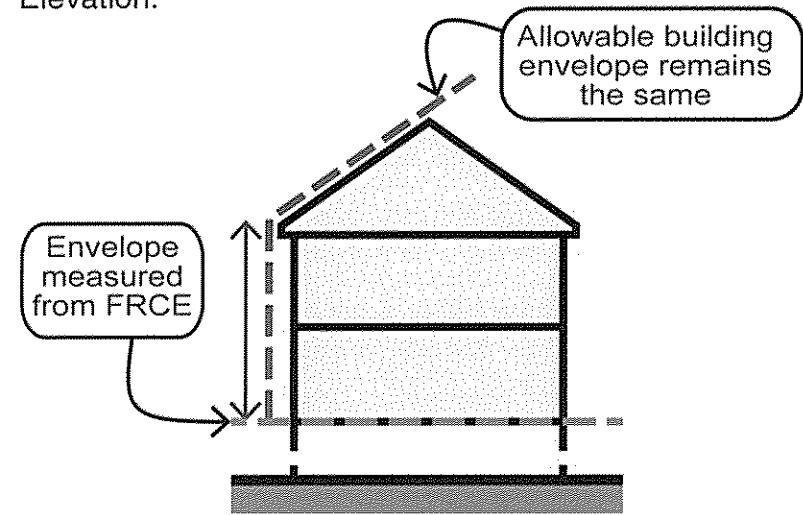
Sky exposure plane districts



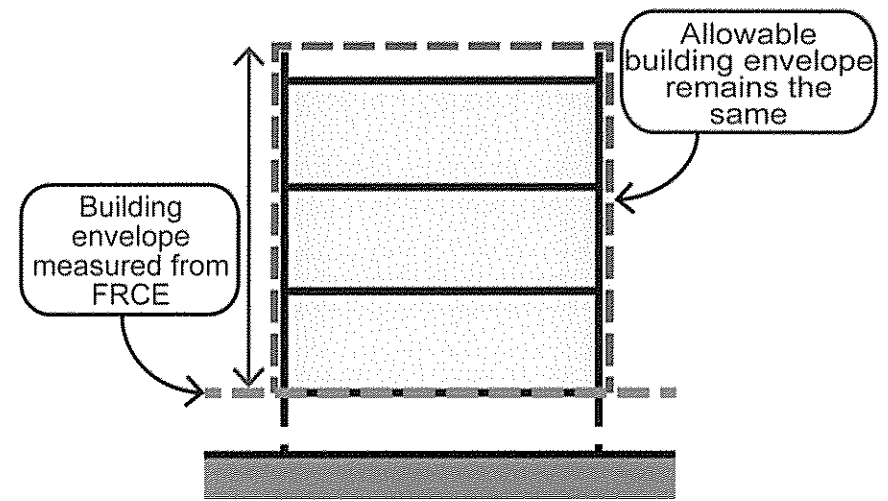
Base plane districts

Proposal

Measure all buildings from Flood Resistant Construction Elevation.



Sky exposure plane districts



Base plane districts

ACCESS

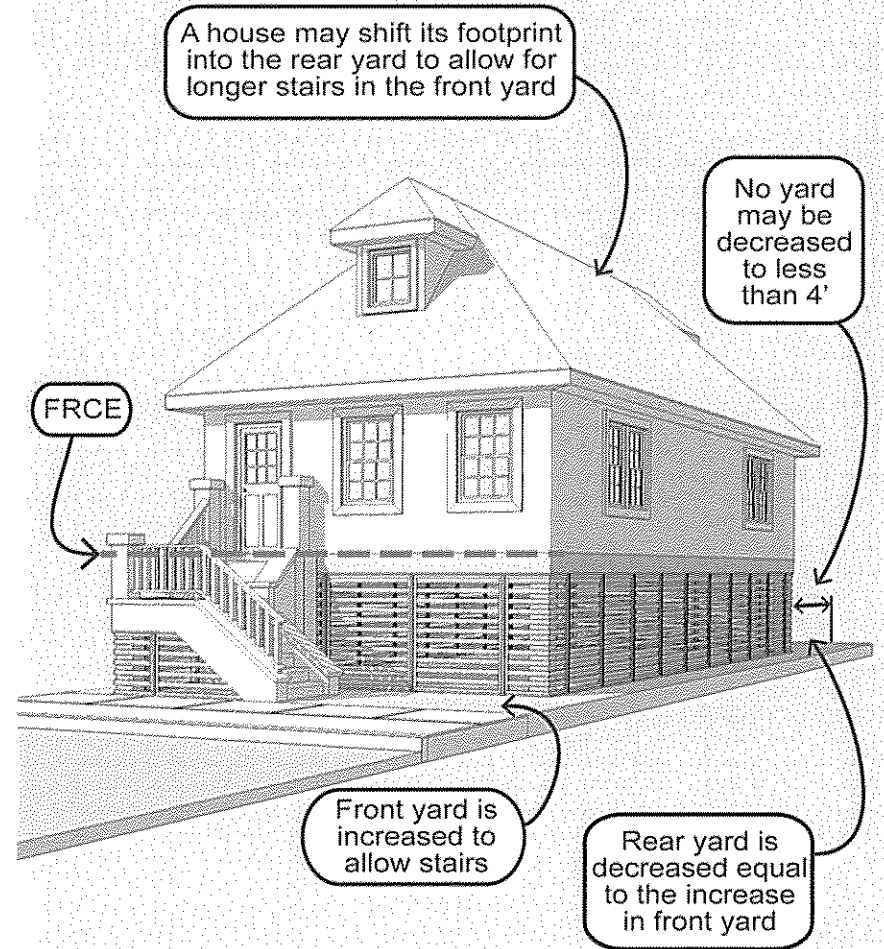
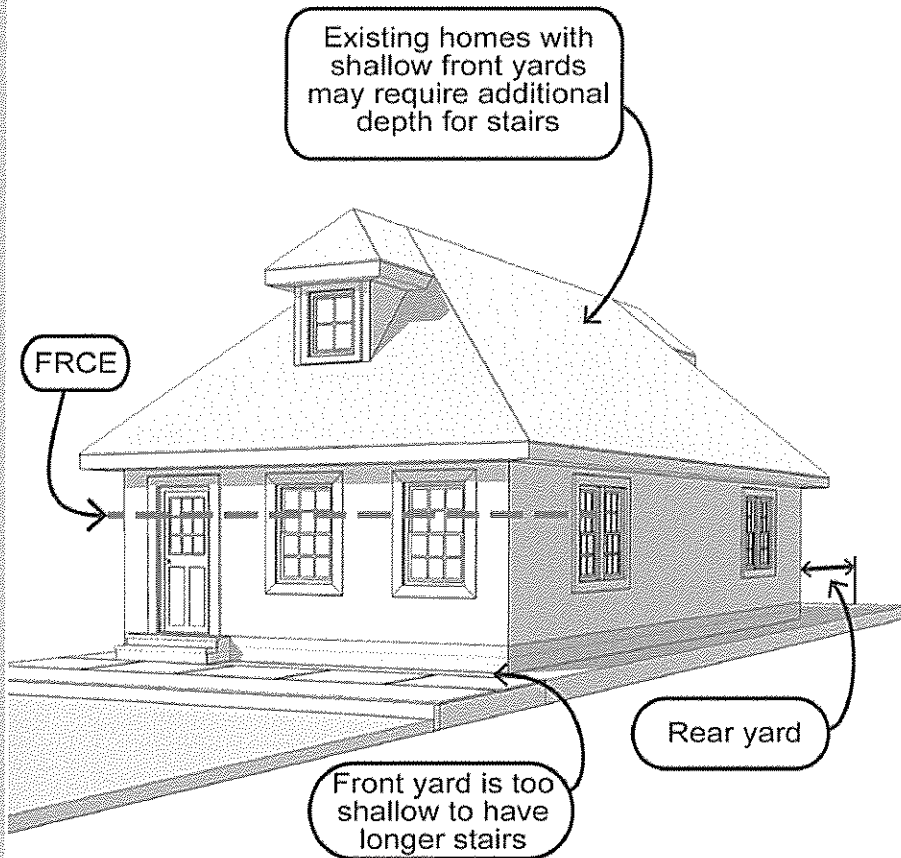
REPOSITIONING OF EXISTING 1 & 2 FAMILY HOMES TO ACCOMMODATE LONGER STAIRS

Issue

Existing homes may need to be elevated, but new, longer stairs may not fit within the existing front yard.

Proposal

To accommodate a front stair, allow existing one or two-family homes that are elevated to encroach into a rear yard by an equal amount that the front yard is increased.



EXEMPT INTERIOR STAIRS AND RAMPS FROM FLOOR AREA

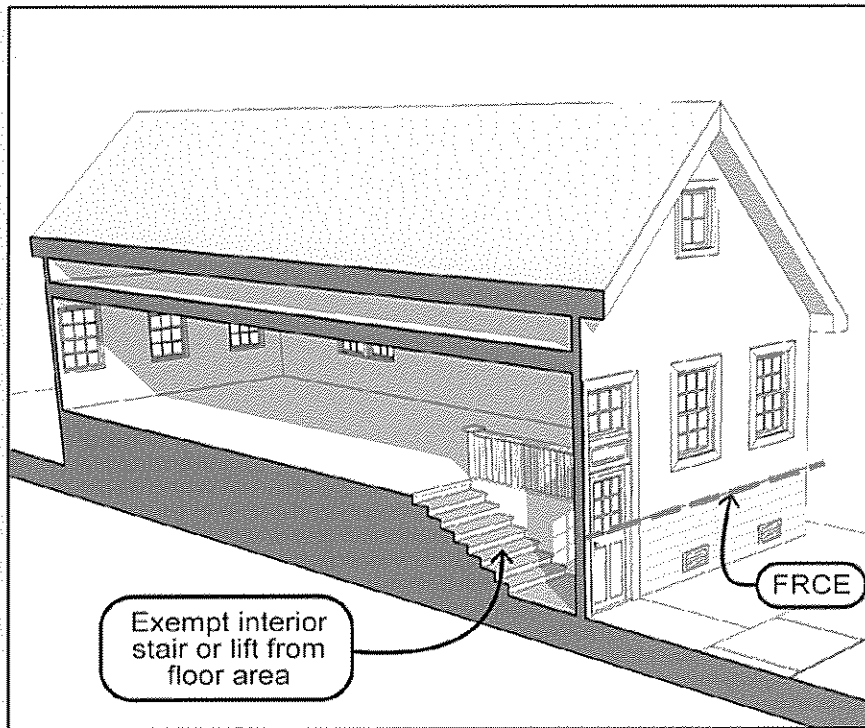
Issue

An alternative to repositioning a home may be to provide stairs inside the front door rather than in the front yard, for weather protection or because shifting the foundation would be difficult.

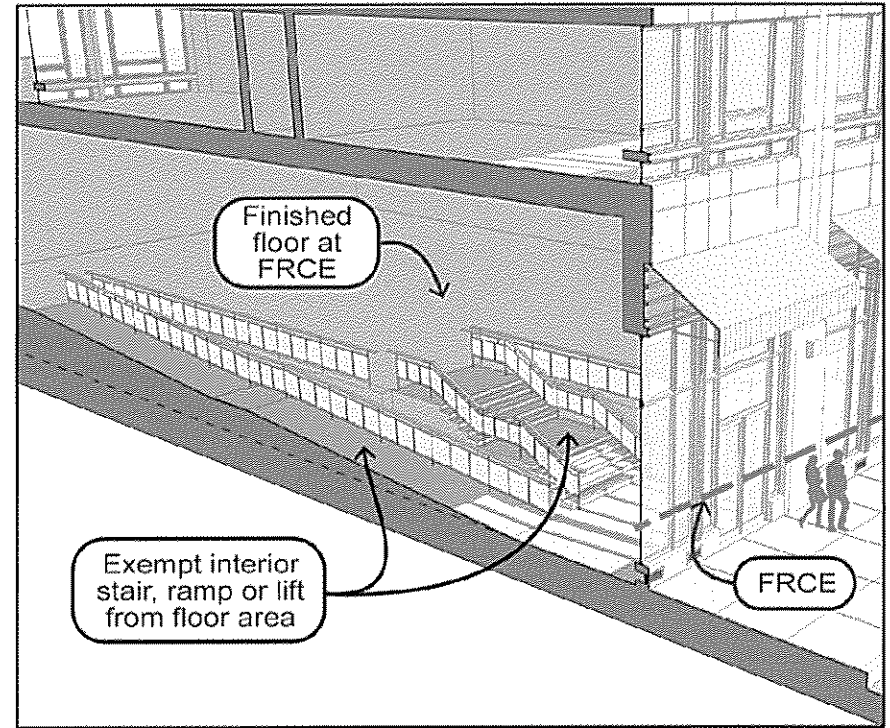
In other buildings, interior stairs and ramps may be preferable to exterior stairs and ramps, but require large amounts of floor space

Proposal

For all buildings, exempt enclosed entryways that access the first habitable floor from floor area calculations, with a cap based on the elevation of the lowest floor.



1 & 2 Family Homes



All Other Buildings

MECHANICAL SYSTEMS

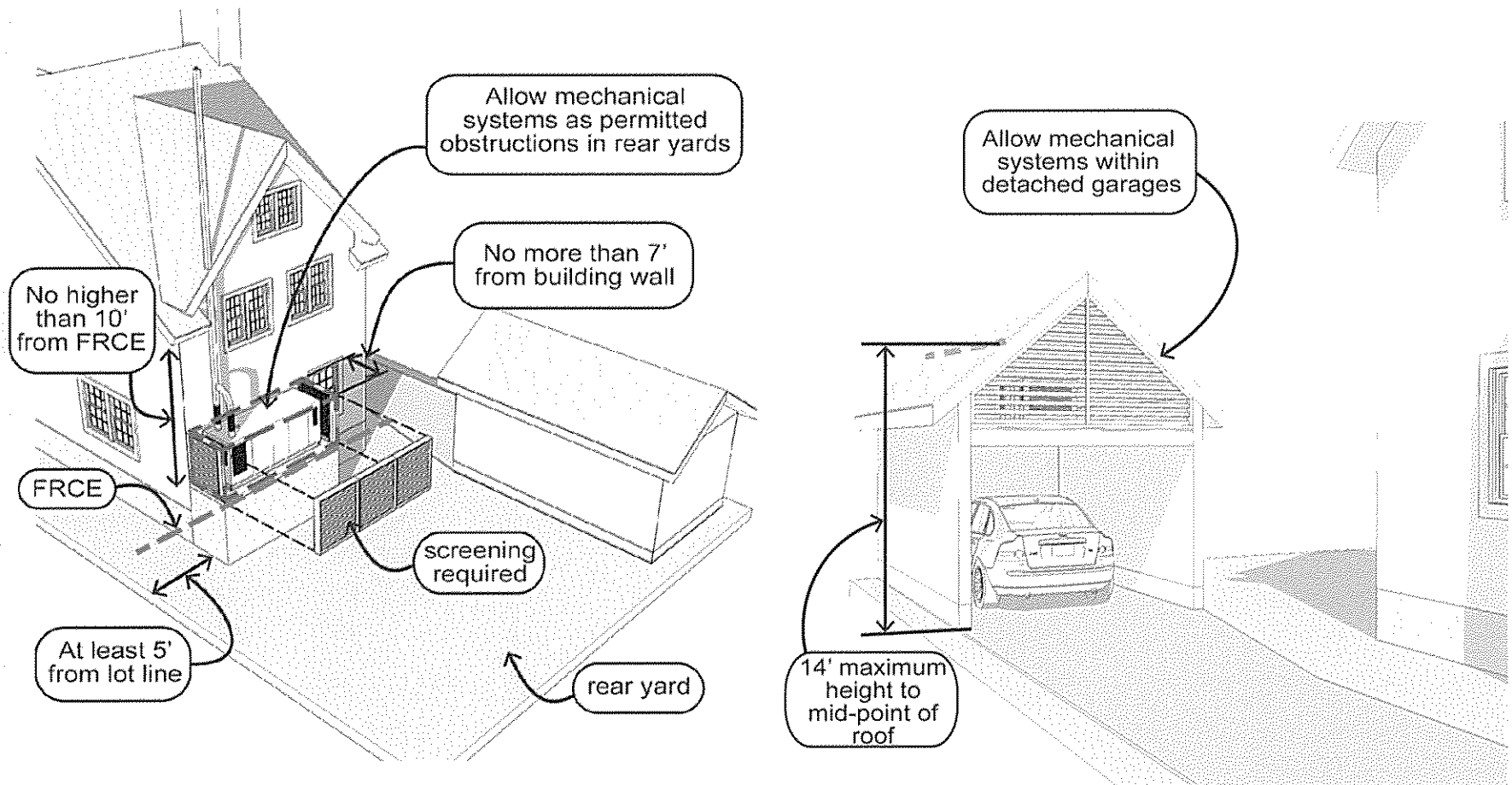
ALLOW IN YARDS FOR EXISTING 1 & 2 FAMILY HOMES

Issue

Existing homes may need to safeguard their mechanical equipment by removing it from below-grade spaces, but there may be no place to put the equipment within the home.

Proposal

Allow alternative locations for mechanical equipment for existing one- and two-family homes, such as rear and side yards.



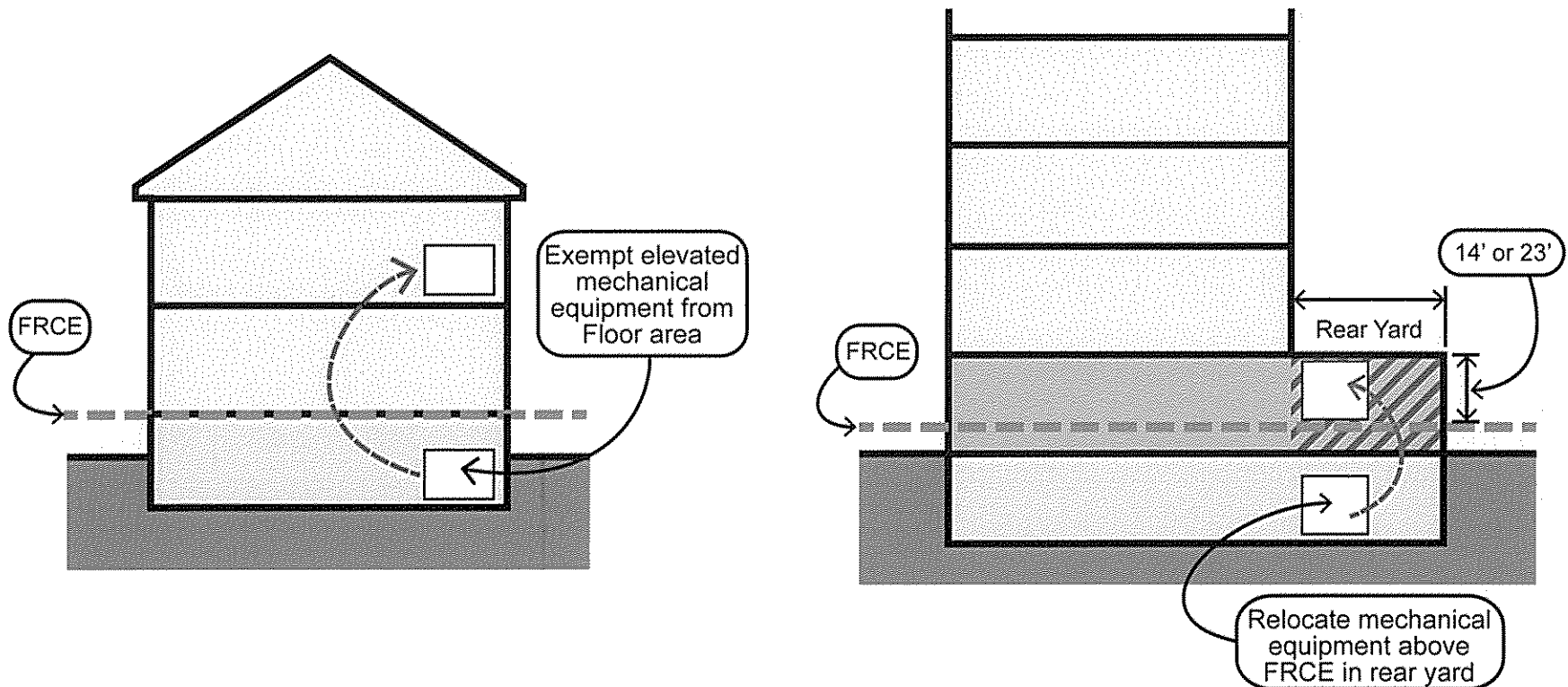
FLEXIBLE LOCATION OF MECHANICAL EQUIPMENT

Issue

Many buildings have mechanical systems located below-grade. In order to comply with flood-resistant standards, these mechanical systems may need to be relocated above the FRCE.

Proposal

For all buildings, other than one- or two-family homes, allow mechanical systems within the building envelope or in required rear yards, provided they are screened or enclosed, and within the same bulk envelope permitted for other rear yard obstructions (enclosed parking and commercial and community facility uses may extend into rear yards up to a height of 14 or 23 feet).



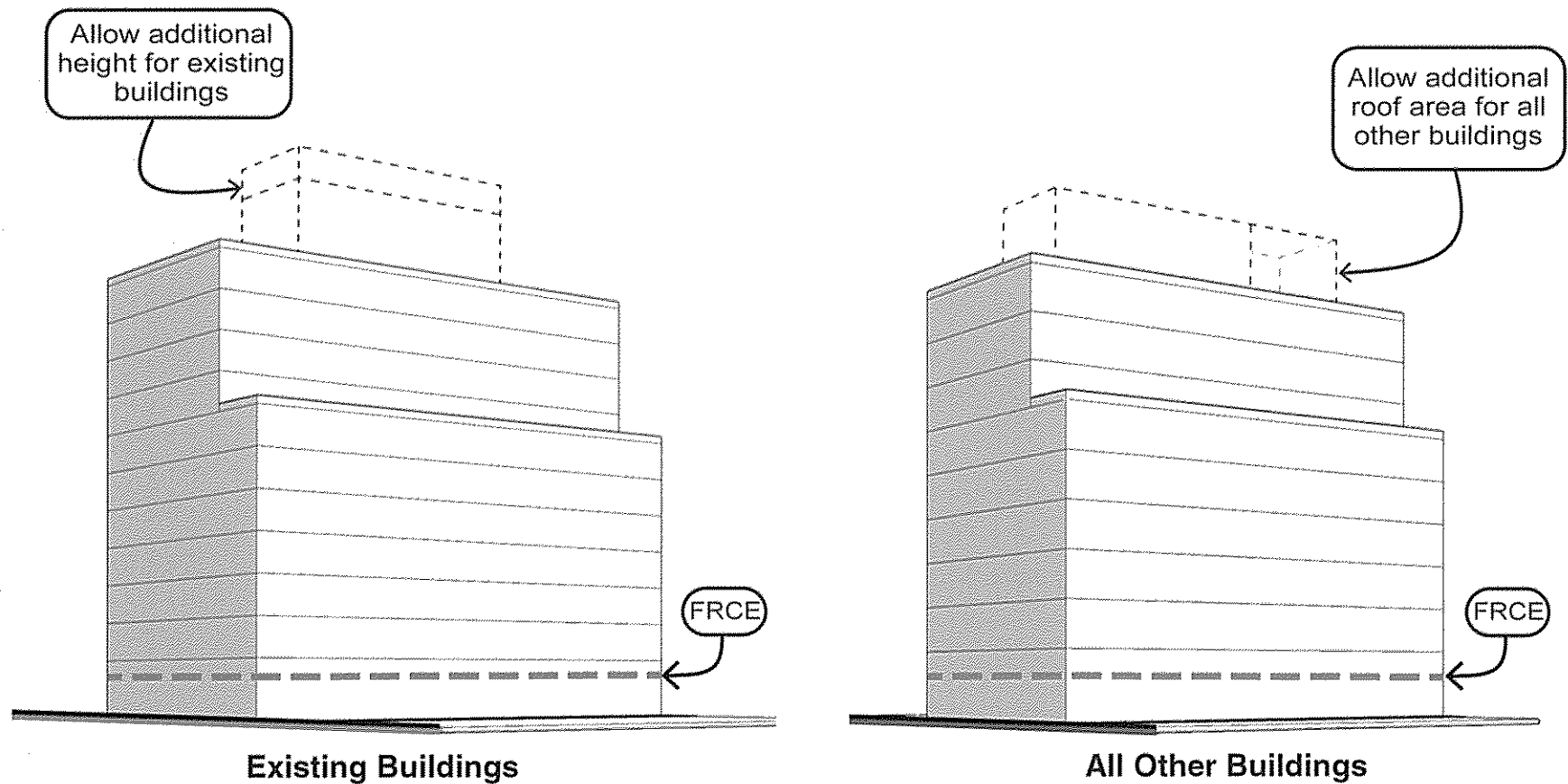
ROOFTOP MECHANICAL FOR BUILDINGS IN R5 – R10

Issue

Mechanical systems in flood zones generally need to be located above the FRCE to comply with the Building Code's flood-resistant standards, but in many cases, there may not be enough space within the allowed envelope.

Proposal

Enlarge envelope for permitted obstructions on roofs to accommodate mechanical space that would have been located in cellars. For existing buildings where structural issues make it difficult to increase the footprint, allow an alternative solution that maintains the maximum 20% lot coverage, but allows greater height.

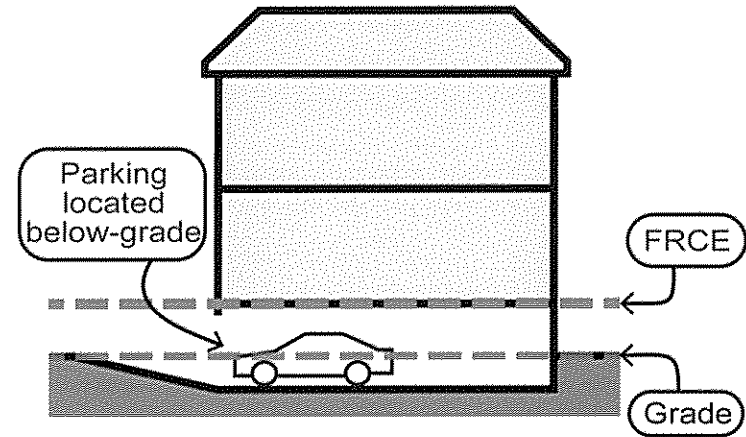


PARKING

LOSS OF BELOW-GRADE PARKING SPACES

Issue

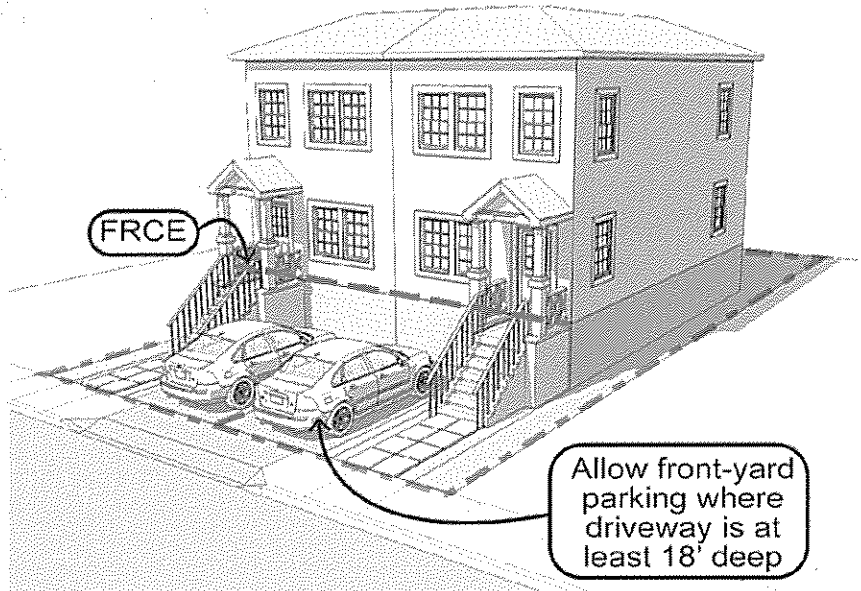
Many existing homes have parking garages that are below-grade. In some cases, the Building Code may require the home to fill in the basement to comply with flood-resistant construction standards and therefore lose this parking.



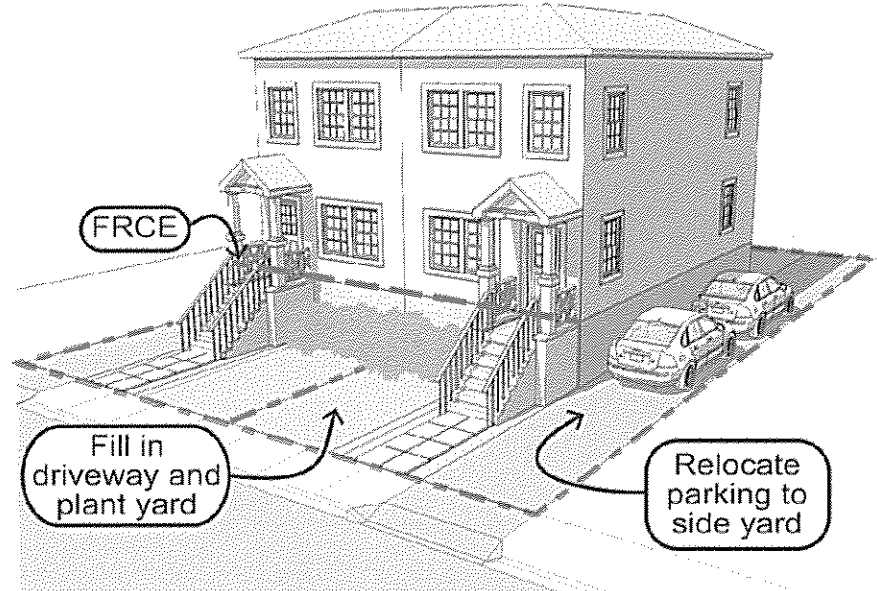
Proposal

Provide alternatives for existing homes that must relocate their parking spaces.

Allow the Buildings Commissioner to waive required parking if there is no feasible way to provide parking on-site.



Front Yard Parking



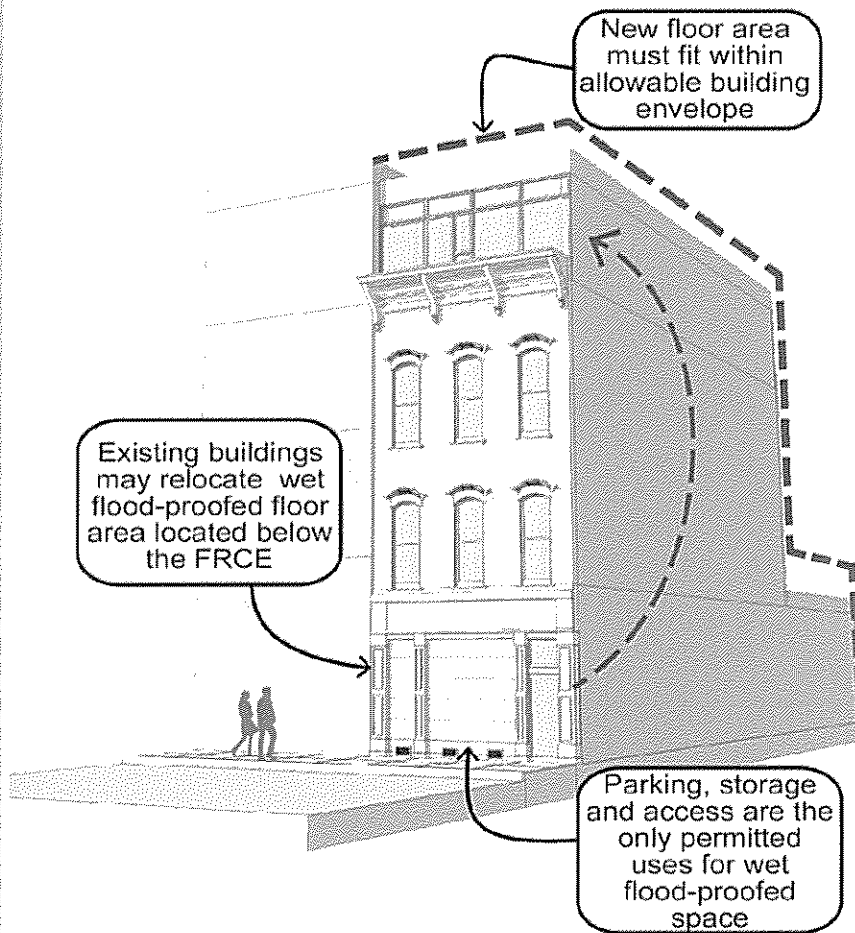
Side Yard Parking

GROUND FLOOR USE

LOSS OF USABLE SPACE

Wet Flood-proof Option (All Buildings)

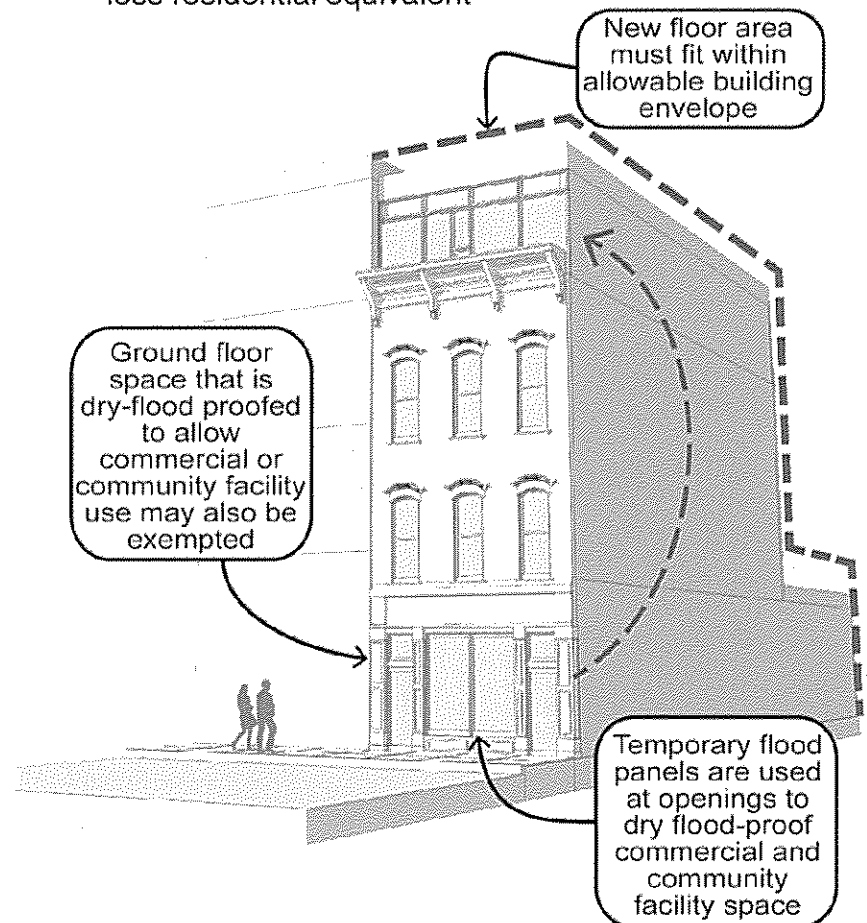
Allow building owners to recapture floor space made unusable due to compliance with the Building Code's wet-flood proofing standards.



Dry Flood-proof Option (Only for Existing Buildings in Medium and Low Density Commercial Districts)

To encourage active commercial streets, allow existing buildings to exempt ground-level commercial or community facility floor area that is dry flood-proofed.

- Available only in commercial districts with an R6 or less residential equivalent



STREETSCAPE STANDARDS

SINGLE- AND TWO-FAMILY HOMES

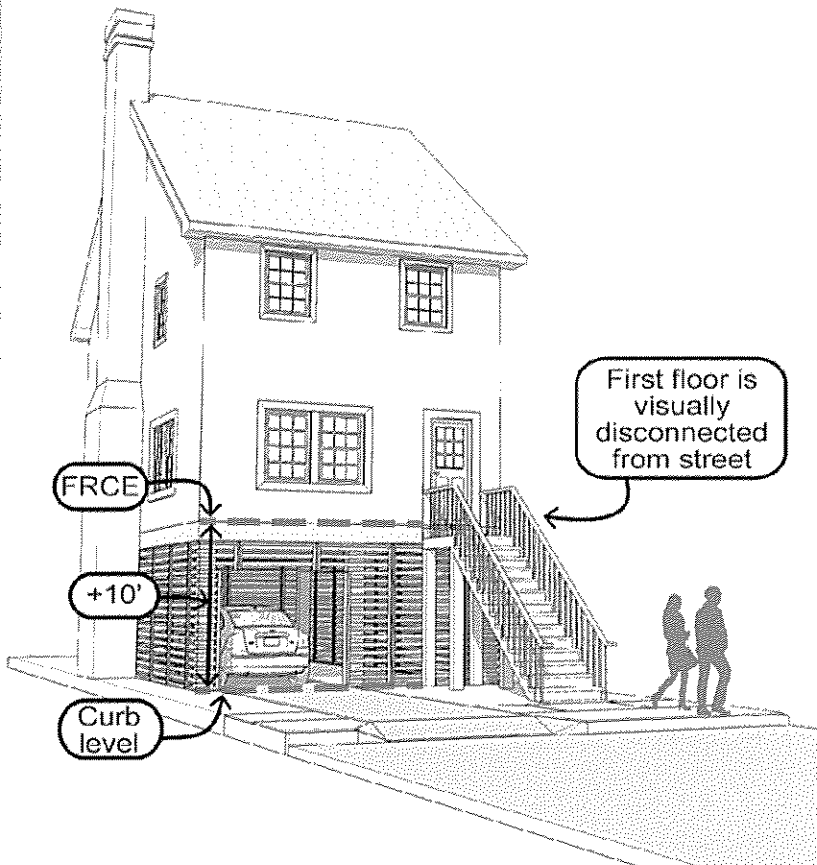
Issue

When the lowest habitable floor of a house is 5 feet or more above curb level, it can create an unattractive streetscape.

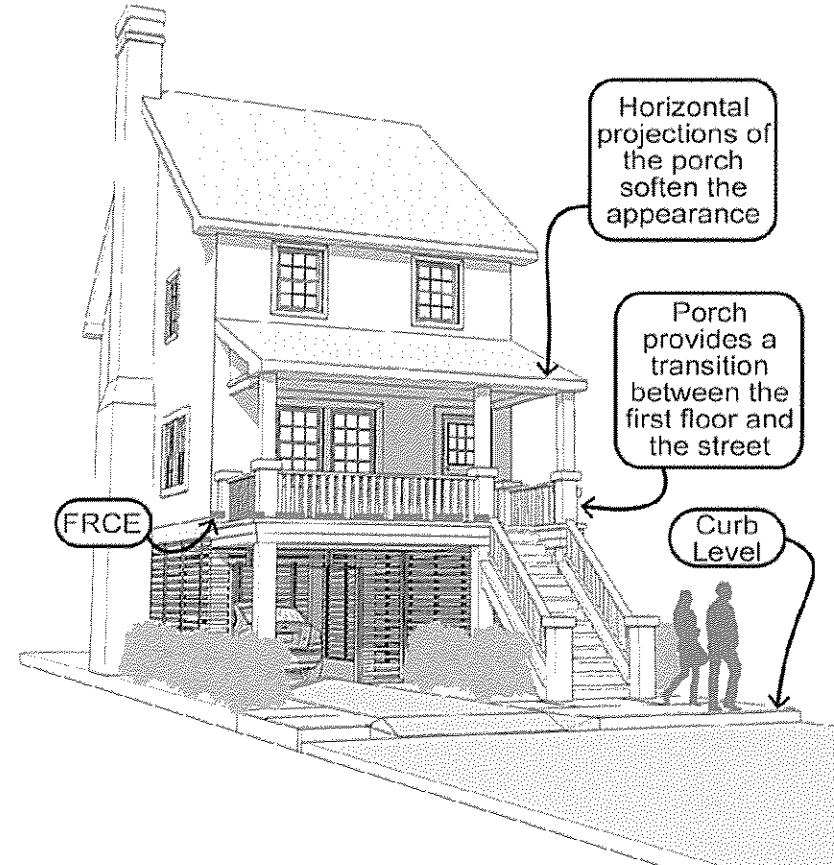
Proposal

Establish streetscape requirements to provide a transition between the first floor and curb level when homes are required to be raised 5 feet or more above curb level.

Applies in R1- R5 Districts, and to detached and semi-detached houses in R6 Districts.



Home without streetscape enhancements

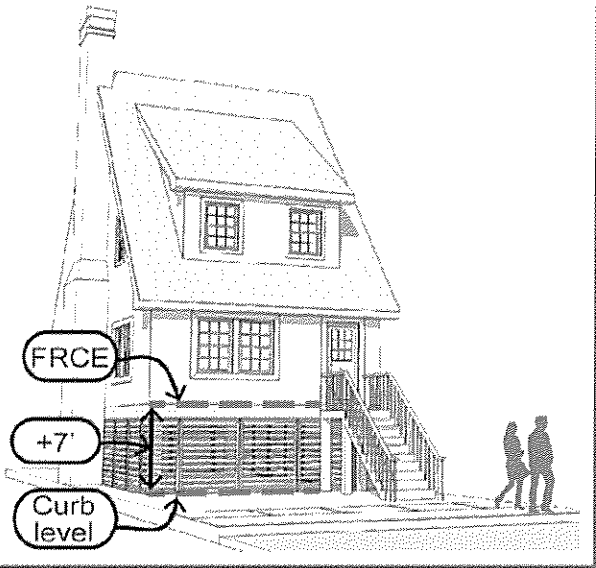


Home with roofed porch and planting
Additional options shown on next slide

STREETSCAPE ENHANCEMENTS

Issue: No visual transition

Proposal: When lowest floor is located 5–9 feet above curb level, **choose 1**
 When lowest floor is 9 feet or more above curb level, **choose 2**



Planting



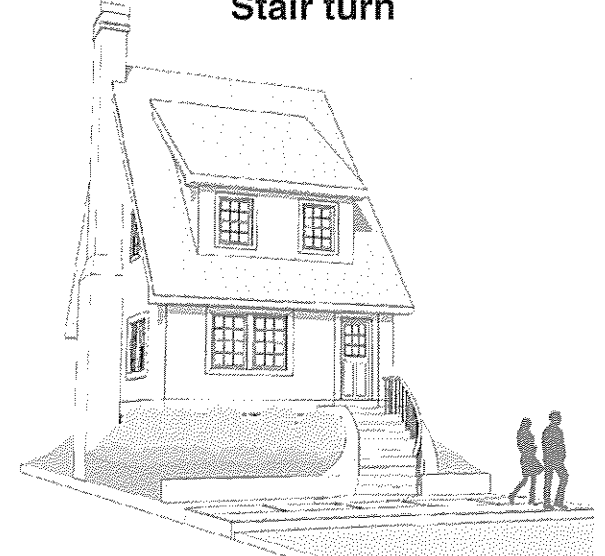
Stair turn



Unenclosed porch



Roofed porch



Raised yard

STREETSCAPE ENHANCEMENTS

Issue

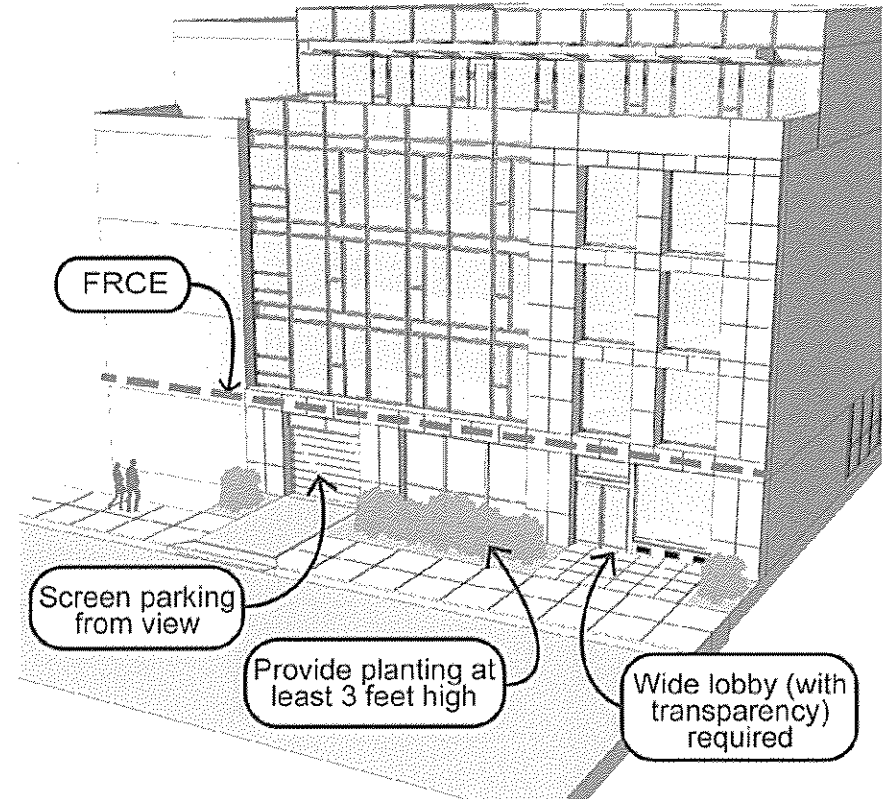
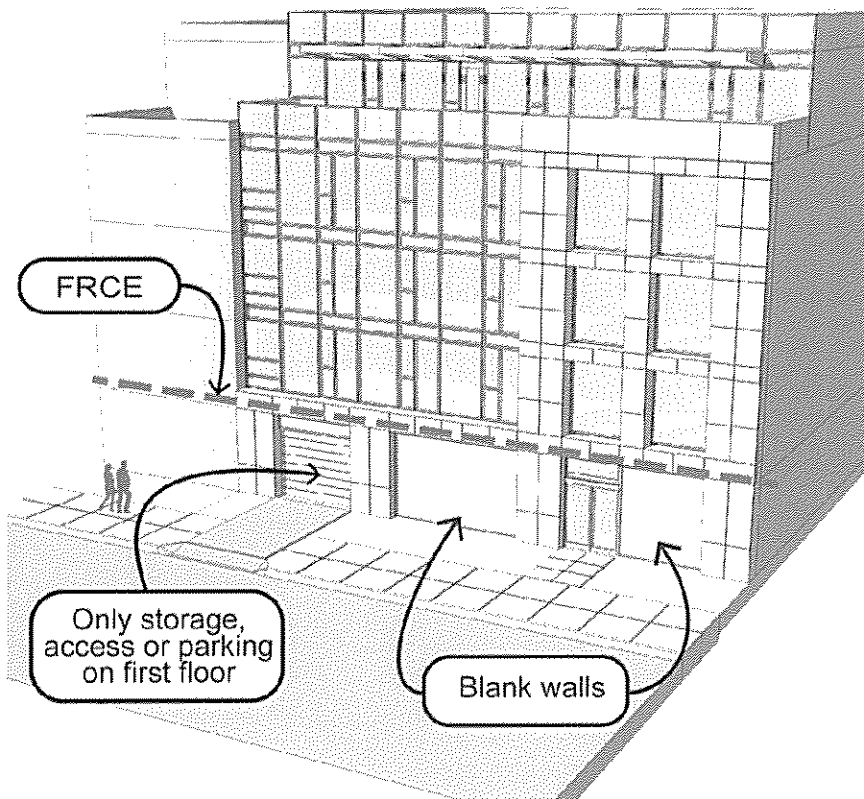
For new buildings:

- In many cases, the ground floor can only be used for parking, storage and access.
- This can result in blank walls and an unattractive streetscape.

Proposal

Establish enhanced streetscape requirements for all new buildings in flood zones:

- Does not apply to light and heavy industrial uses
- In Residence Districts, require plantings at least 3 feet high
- Require wide lobbies or commercial use on the ground floor when the FRCE is over 10 feet above grade
- Require all parking to be screened from view

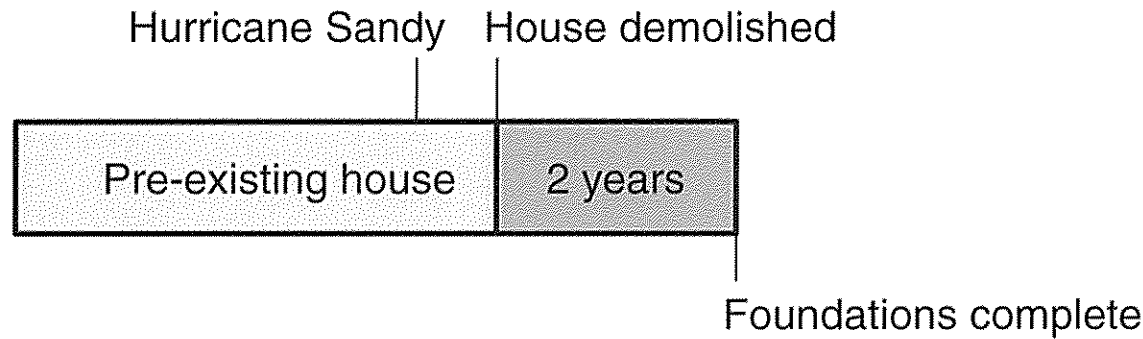


GRANDFATHERING RULES AND BSA SPECIAL PERMIT

TIME LIMIT TO REBUILD EXISTING 1 & 2 FAMILY HOUSES

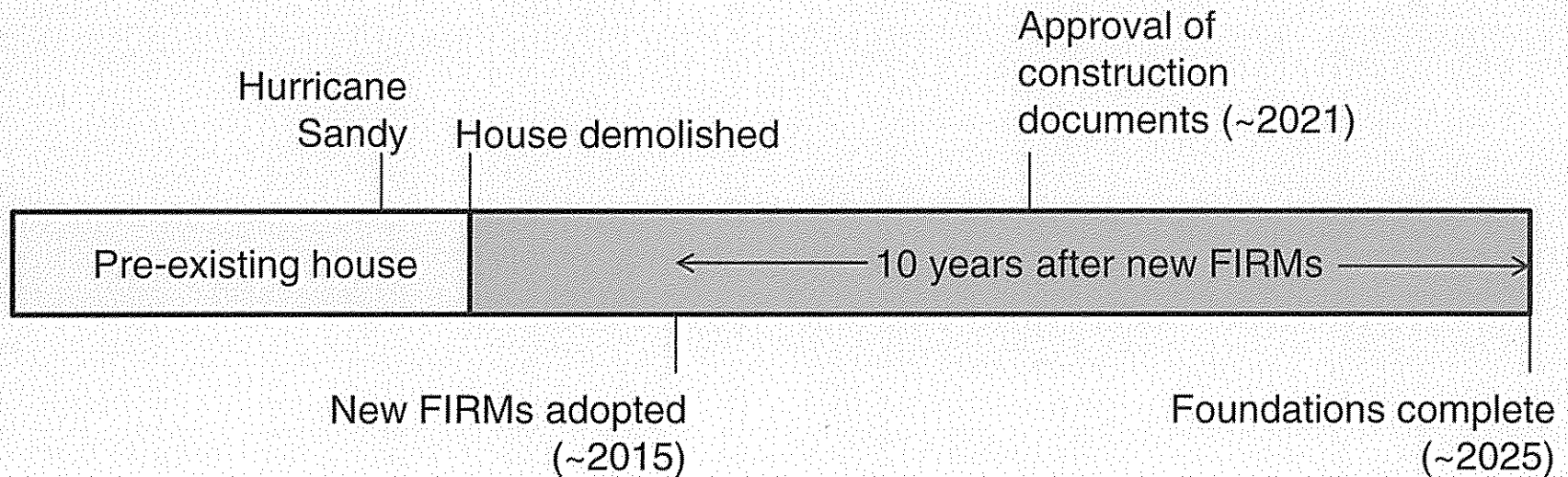
Original Proposal

By interpretation, the Department of Buildings limits the opportunity to vest the replacement of a destroyed single- or two-family building with an equivalent house to two years.



Revised Proposal

Within the flood zone, extend the time limit to vest a replacement of a destroyed or demolished single- or two-family building to ten years after the adoption of new FIRMs (ten years after 2015).



NON-CONFORMING USES and NON-COMPLYING BUILDINGS

Issue

Some non-conforming or non-complying buildings damaged or destroyed during the storm cannot be rebuilt because they exceed the threshold for reconstruction under zoning regulations, or because the Building Code's flood-resistant construction standards would create conflicts with zoning.

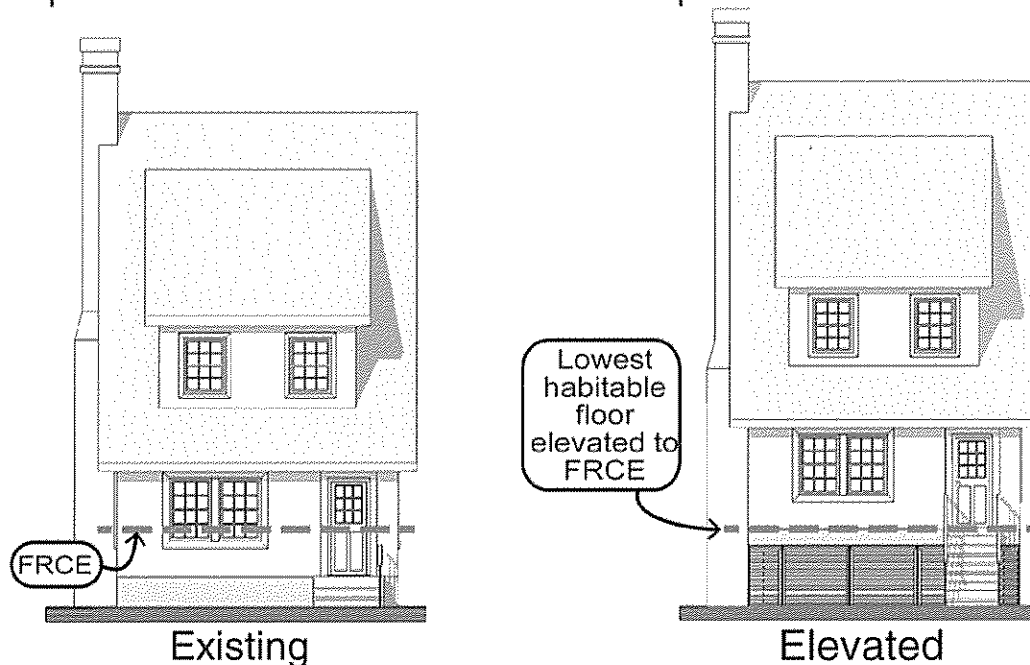
Proposal

1 and 2 Family Homes

Allow existing 1 and 2 family homes to create new non-compliances to the extent necessary to elevate the first habitable floor of the home to the FRCE.

All other Buildings

Allow the reactivation of non-conforming uses and the reconstruction of non-complying buildings severely damaged by Hurricane Sandy. Construction pursuant to such approval may continue up to six years after the adoption of new Flood Insurance Rate Maps.



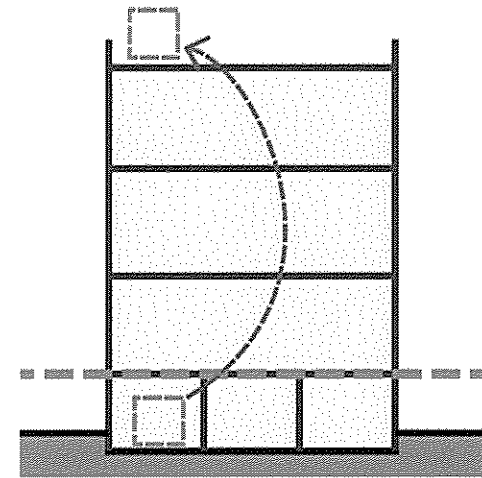
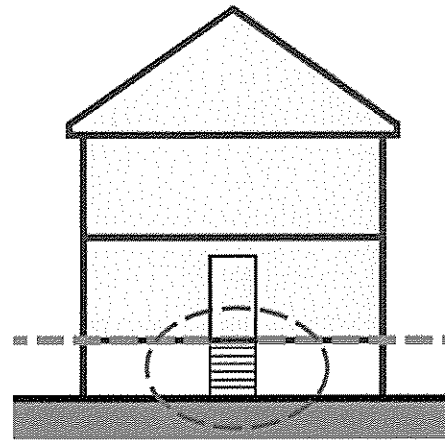
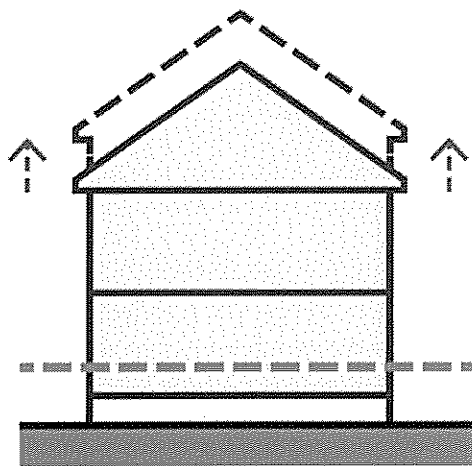
NEW BSA SPECIAL PERMIT

Issue

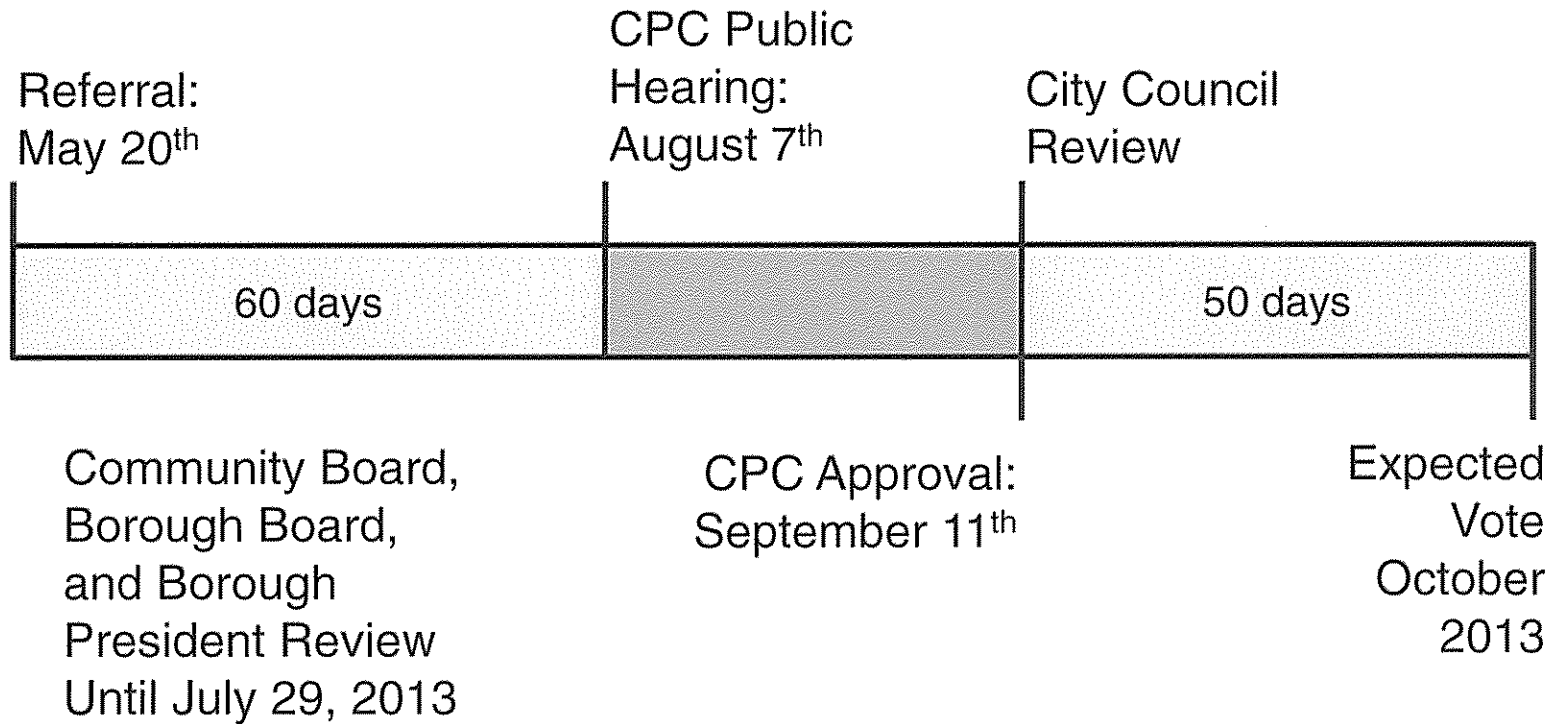
In flood zones, special circumstances may arise that prevent flood-resistant construction that are not addressed by this text amendment.

Proposal

Create a new special permit to be administered by the Board of Standards and Appeals to waive certain bulk regulations (not including floor area) to the minimum extent necessary to comply with the Building Code's flood-resistant standards. Height increases will be limited to 10% of the permitted height or 10 feet, whichever is less.



PUBLIC REVIEW TIMELINE

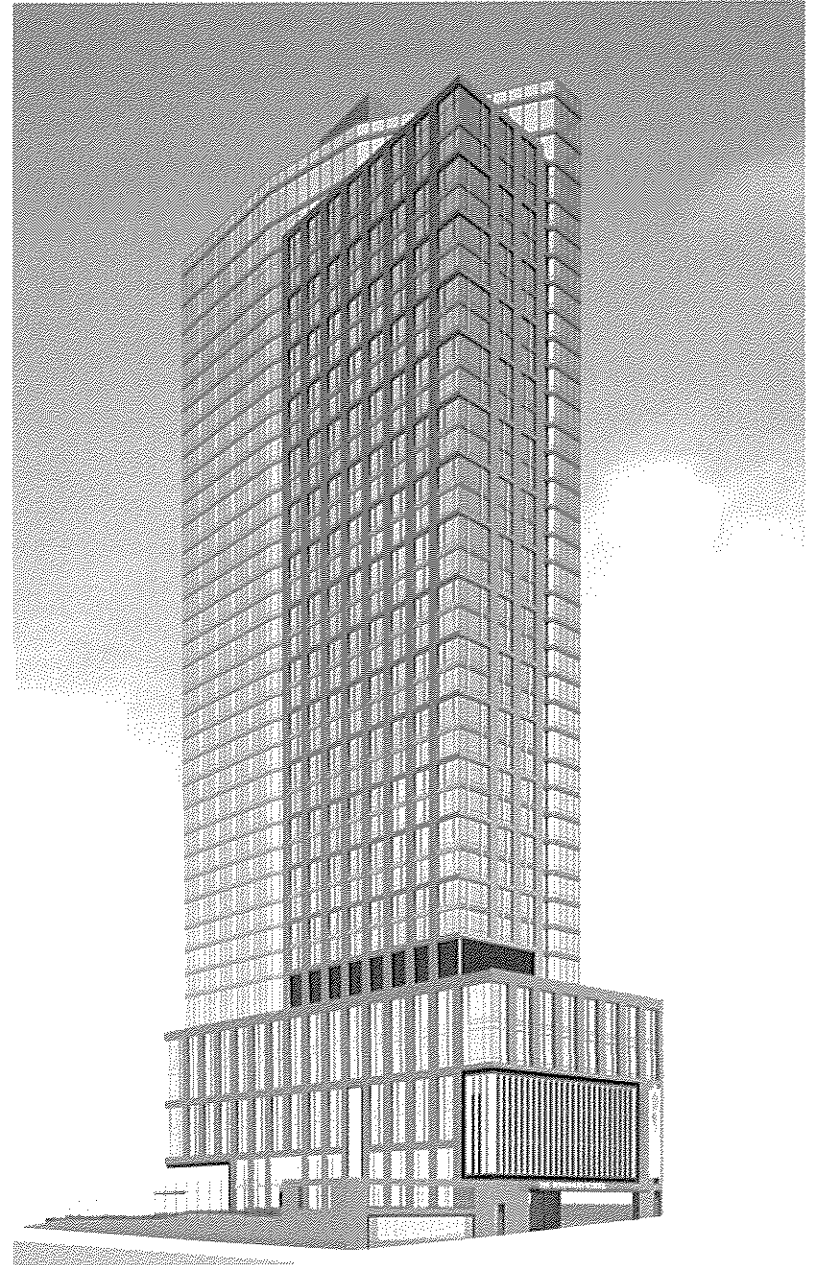


205 EAST 92nd STREET

ZONING TEXT AMENDMENT APPLICATION NUMBER : N130263ZRM

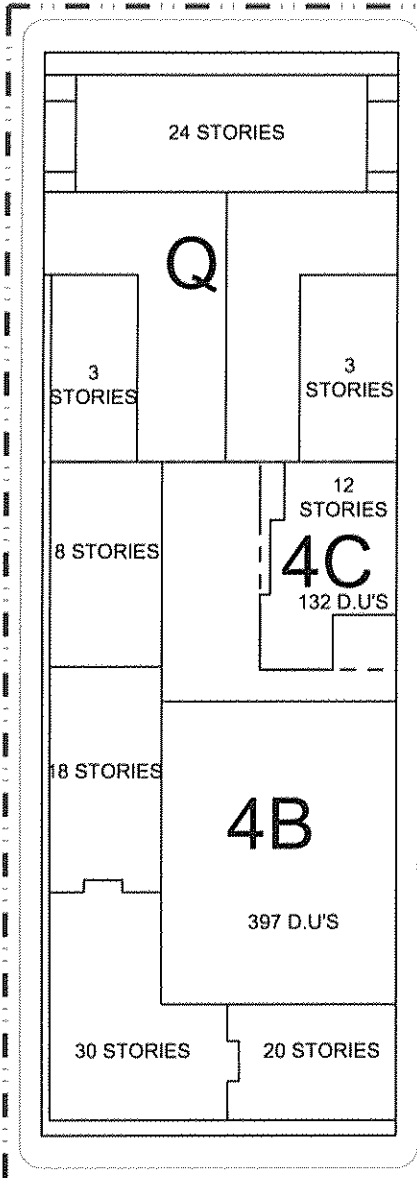
MINOR MODIFICATION TO THE RUPPERT LSRD : M860259ZAM

PLAZA CERTIFICATION APPLICATION NUMBER : N130264ZCM

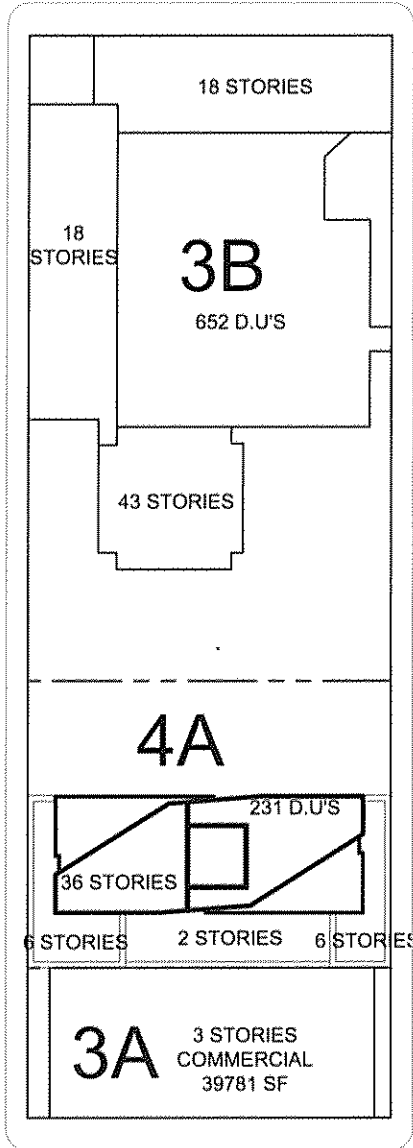


2ND AVENUE
(100' WIDE)

94TH STREET
(60' WIDE)

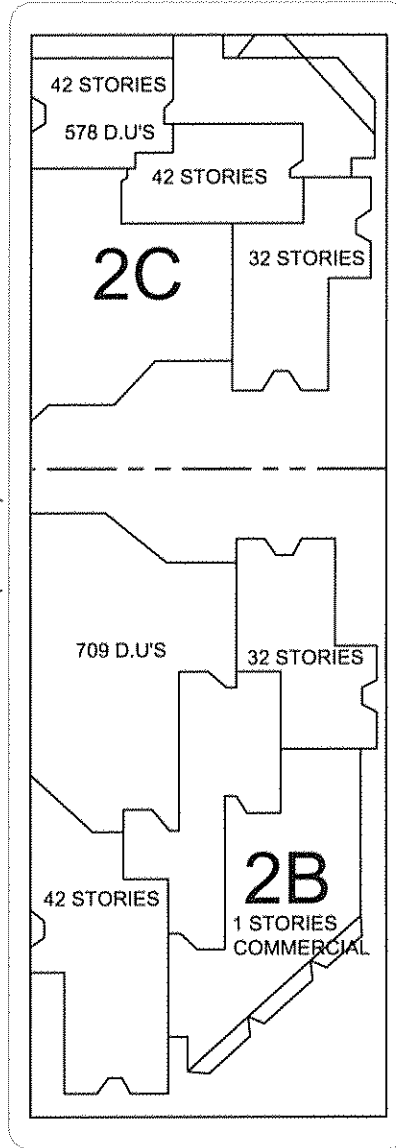


93RD STREET
(60' WIDE)

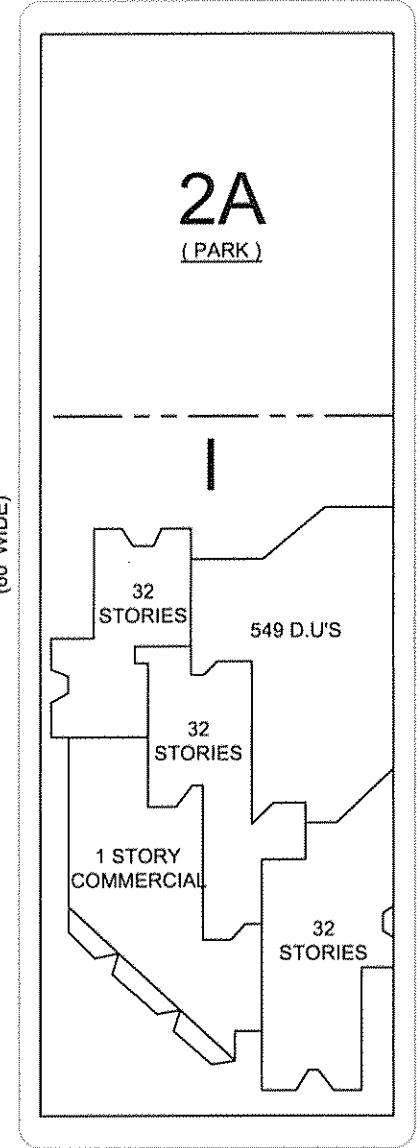


3RD AVENUE
(100' WIDE)

92ND STREET
(60' WIDE)





91ST STREET
(60' WIDE)

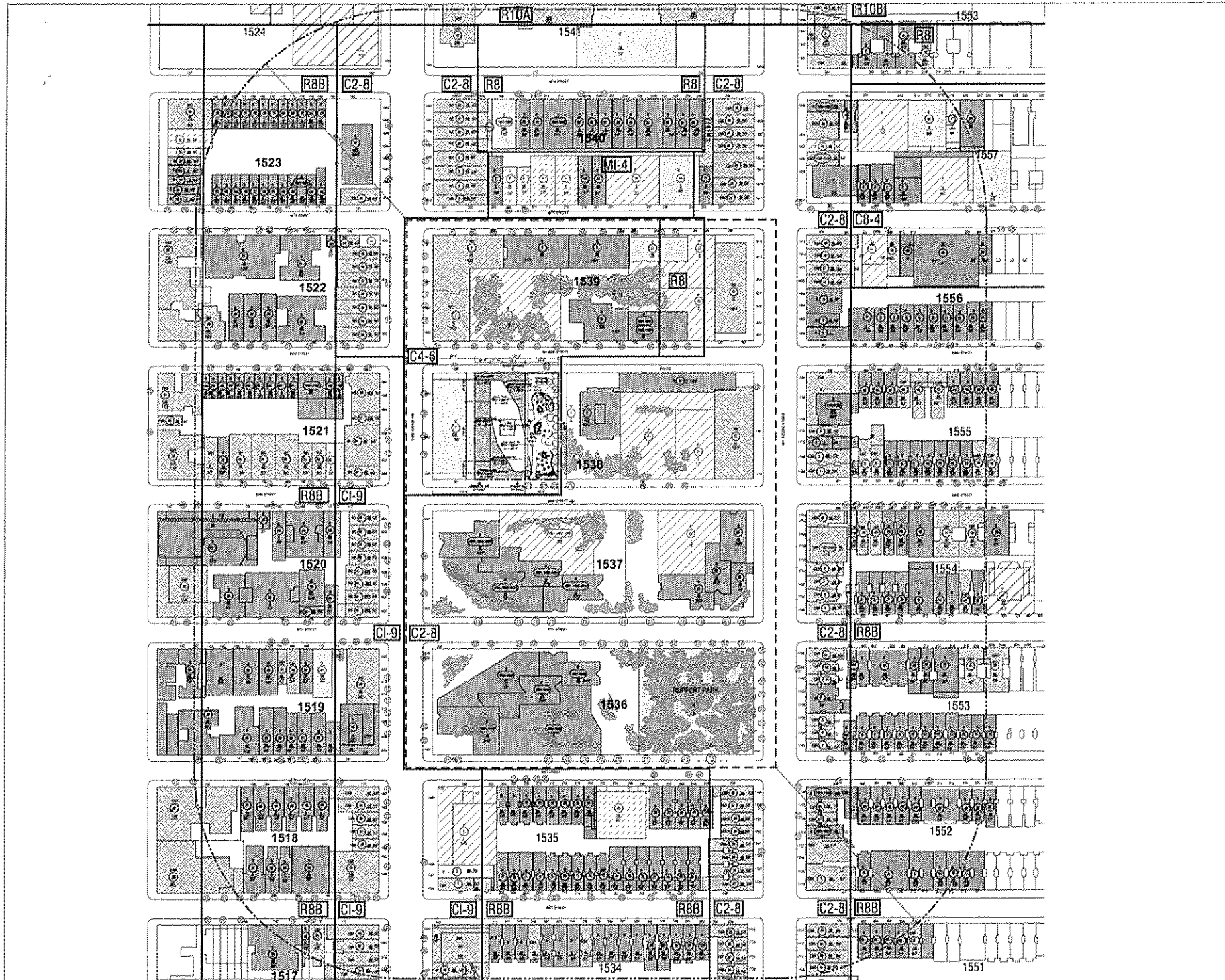


90TH STREET
(60' WIDE)

LEGEND

 LARGE SCALE RESIDENTIAL DEVELOPMENT BOUNDARY
 PARCEL BOUNDARY





HANDEL ARCHITECTS, LLP
 150 Varick Street, 8th Floor
 New York, NY 10013
 T: 212.595.4112
 F: 212.595.9032

205 E. 92nd St.
 BOROUGH: MANHATTAN
 BLOCK: 1538
 LOTS: 10 & 12
 ZONING: C4-6
 ZONING MAP: 65
 ULURP:



LEGEND

R	RESIDENTIAL
C	COMMERCIAL
R8	RESIDENTIAL (COMMERCIAL MIXED USE)
I	INSTITUTIONAL / COMMUNITY FACILITY
O	OPEN SPACE
P	PARKING
U	UTILITY AND TRANSPORTATION
V	VACANT LOT

	ZONING LOT LINE
	LOT NUMBER
	STORMS
	SETBACKS
	BUILDING HEIGHT
	ZONING LOT BOUNDARY
	150' BUFFER
	300' BUFFER
	400' BUFFER
	500' BUFFER

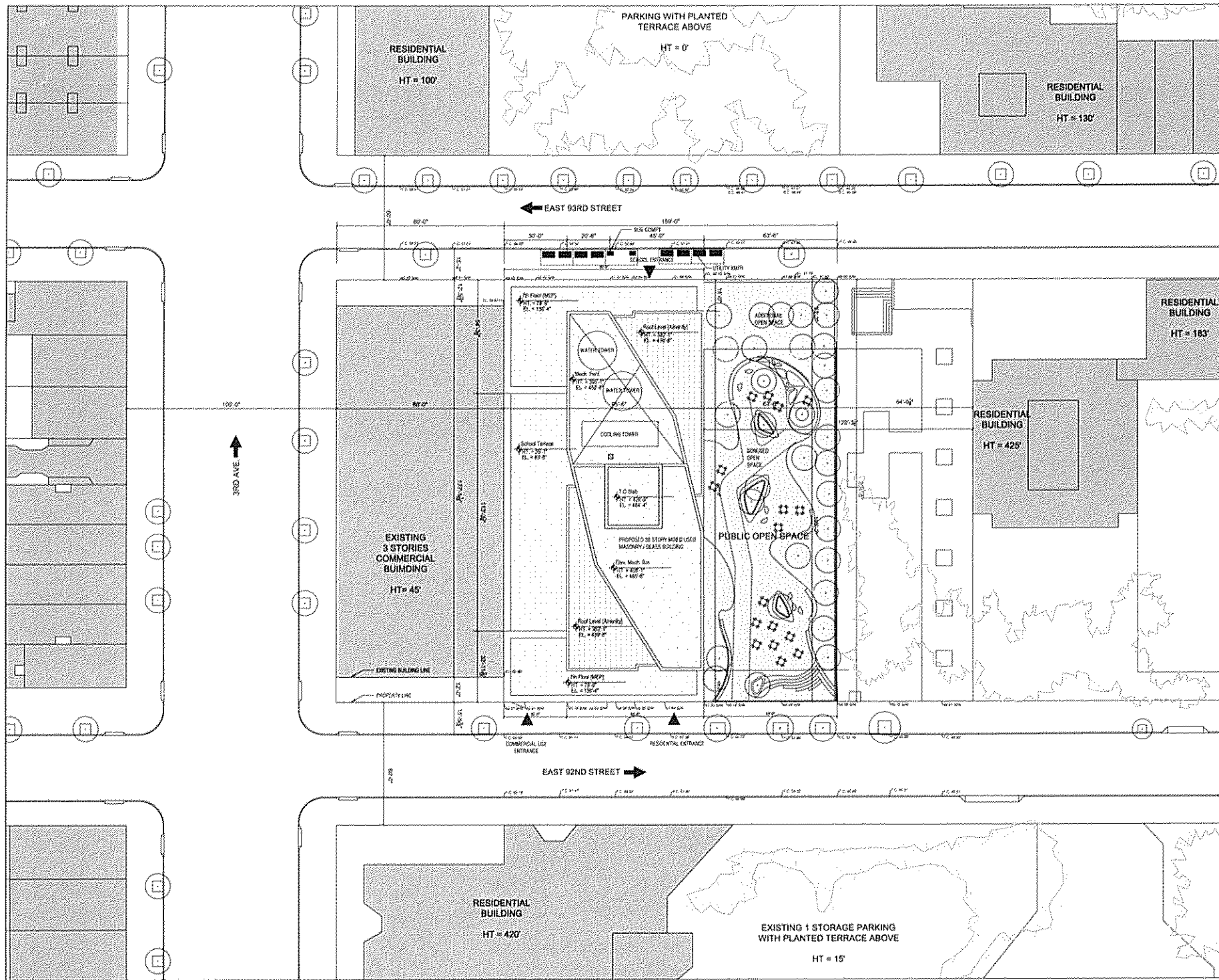
NOTES

GPC APPROVAL LABELS

DATE PUBLISHED: 01/15/2013
 LAST REVISED:
 SCALE: 1" = 150'
 SEAL & SIGNATURE:

DRAWING TITLE:
**NEIGHBORHOOD
 CONTEXT**

DRAWING NO:
Z-05



HANDEL ARCHITECTS, LLP
 150 Varck Street, 8th Floor
 New York, NY 10013
 T: 212.595.4112
 F: 212.595.9032

205 E. 92nd St.

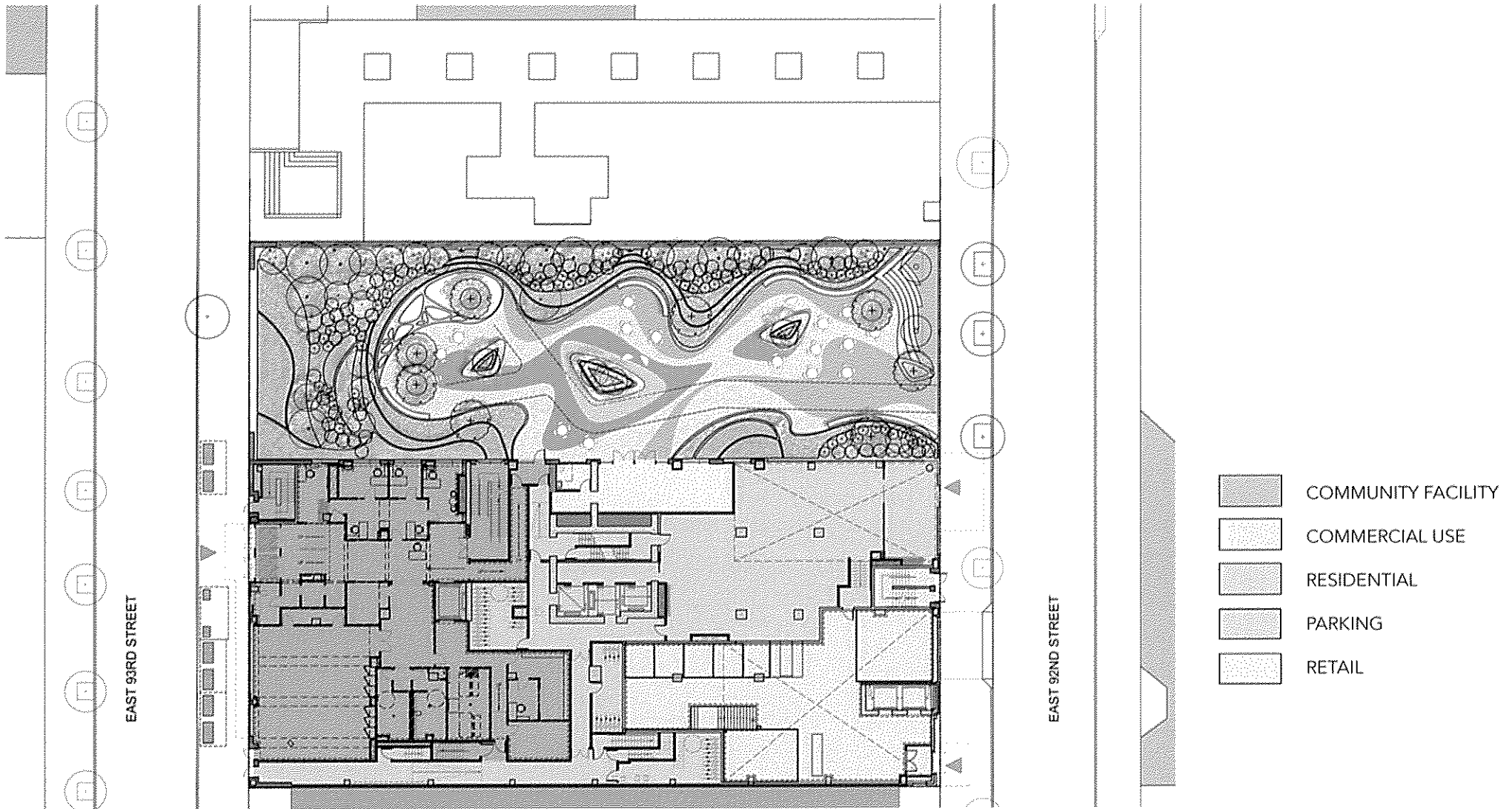
REGION: MANHATTAN
 BLOCK: 1538
 LOTS: 10 & 12
 ZONING: CA-6
 ZONING MAP: 66
 ULURP:

NOTES

SPEC APPROVAL LABELS

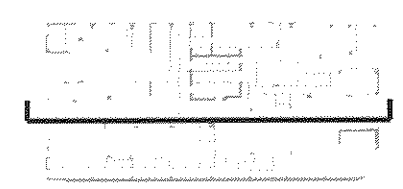
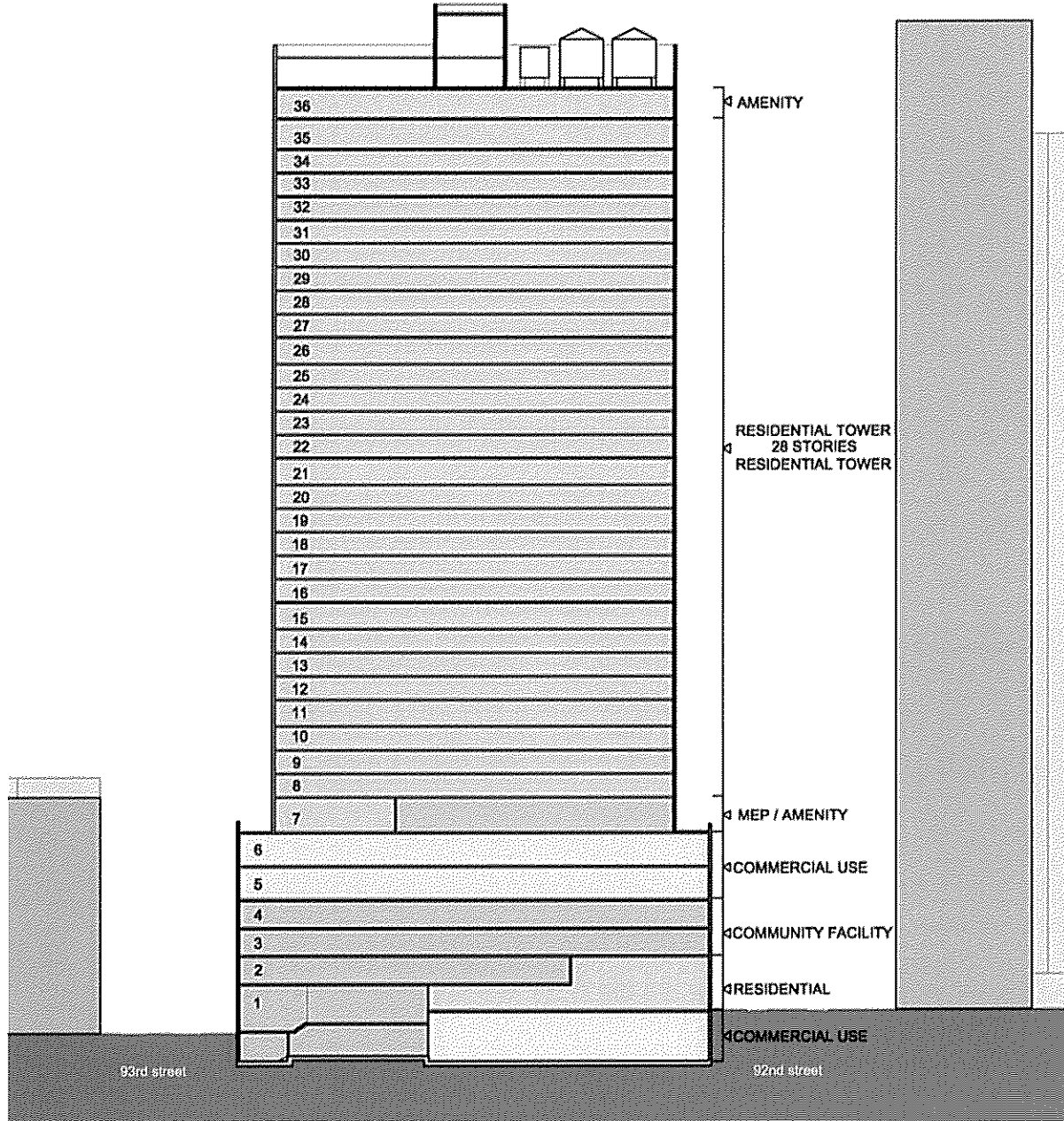
DATE PREPARED: 6/16/2013
 LAST REVISED:
 SCALE: 1" = 1/16"
 SEAL & SIGNATURE:

DRAWING TITLE:
SITE PLAN
 DRAWING NO.:
Z-06
© Handel Architects LLP 2013

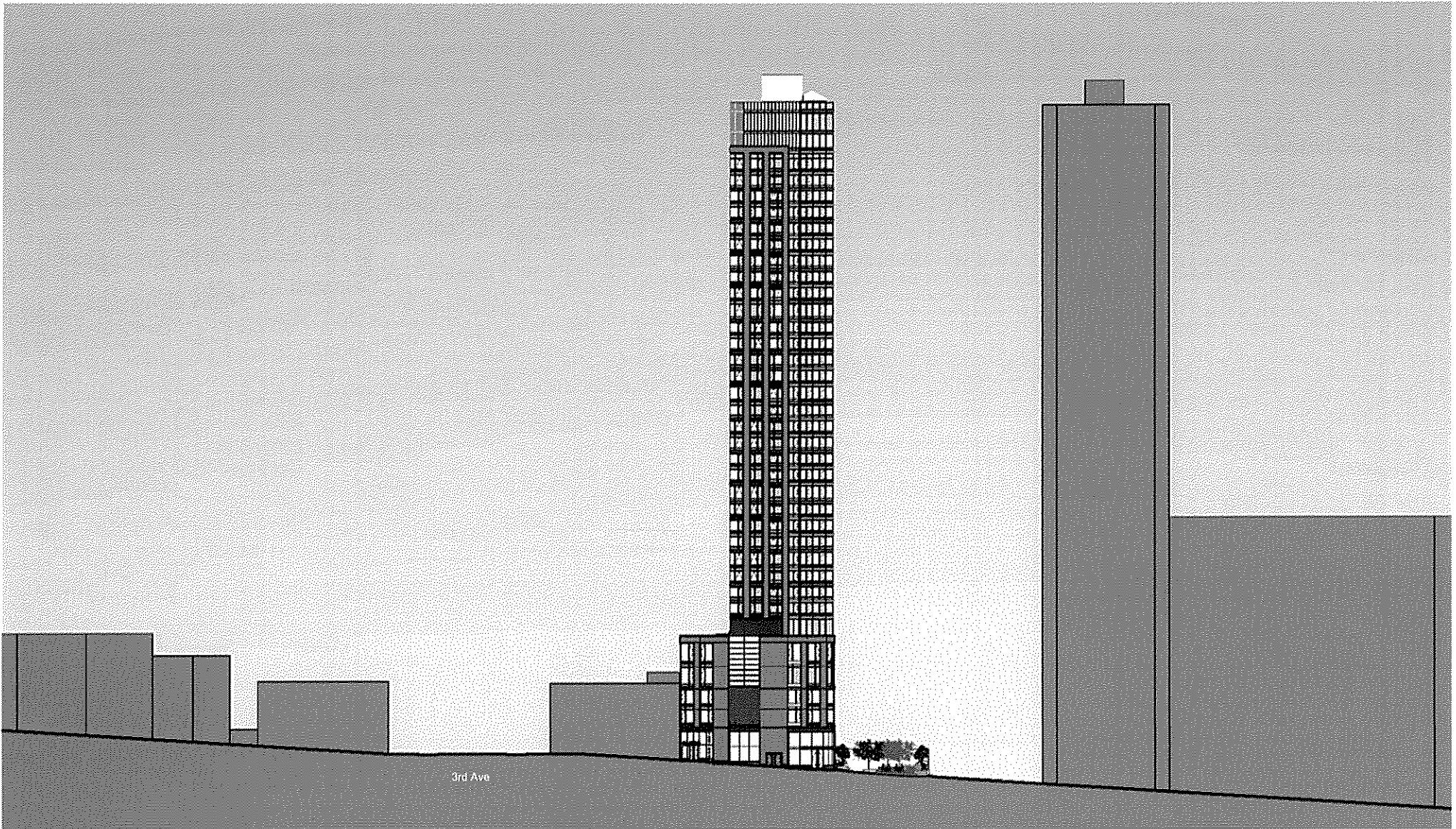


Ground floor Plan

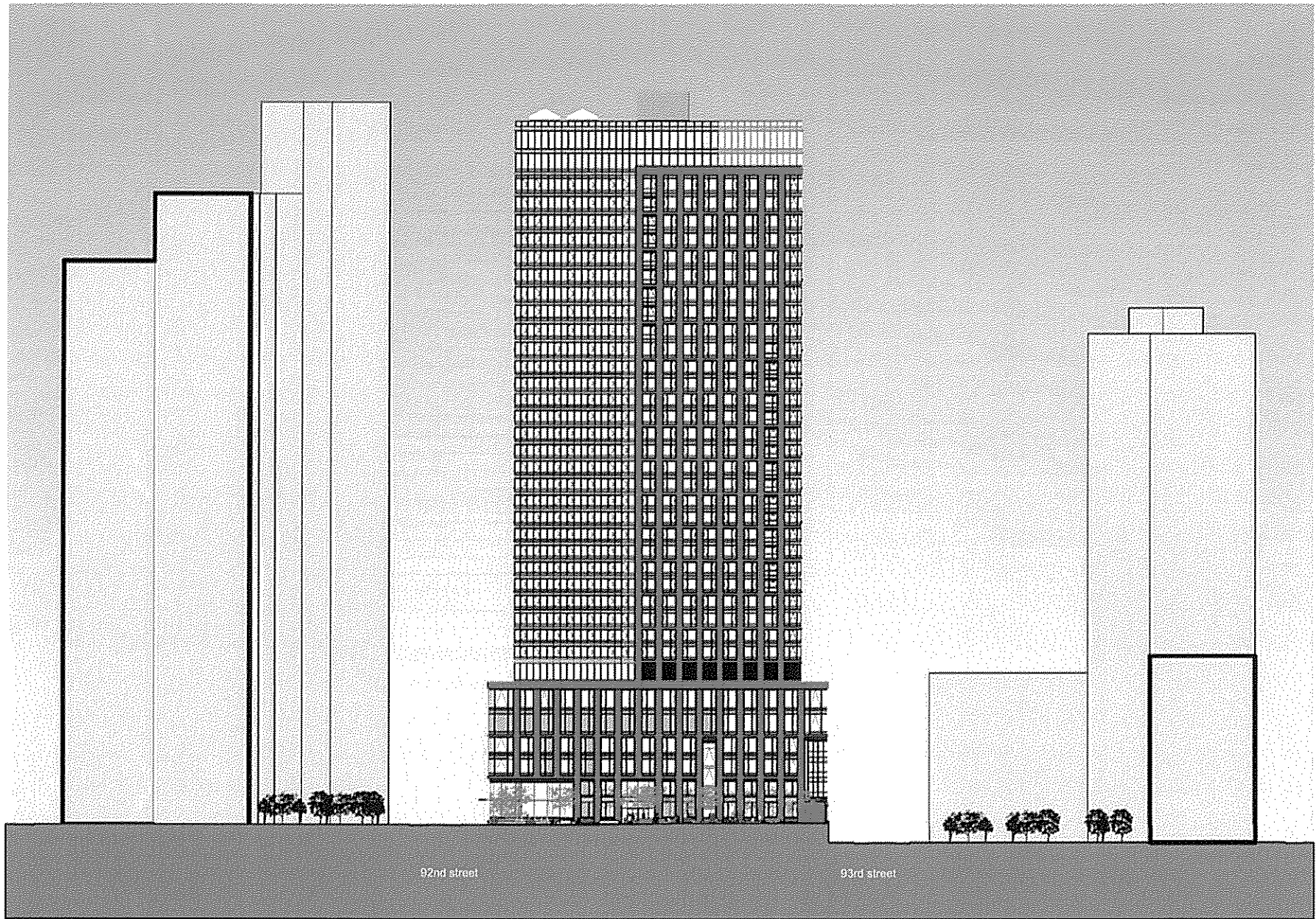
Section



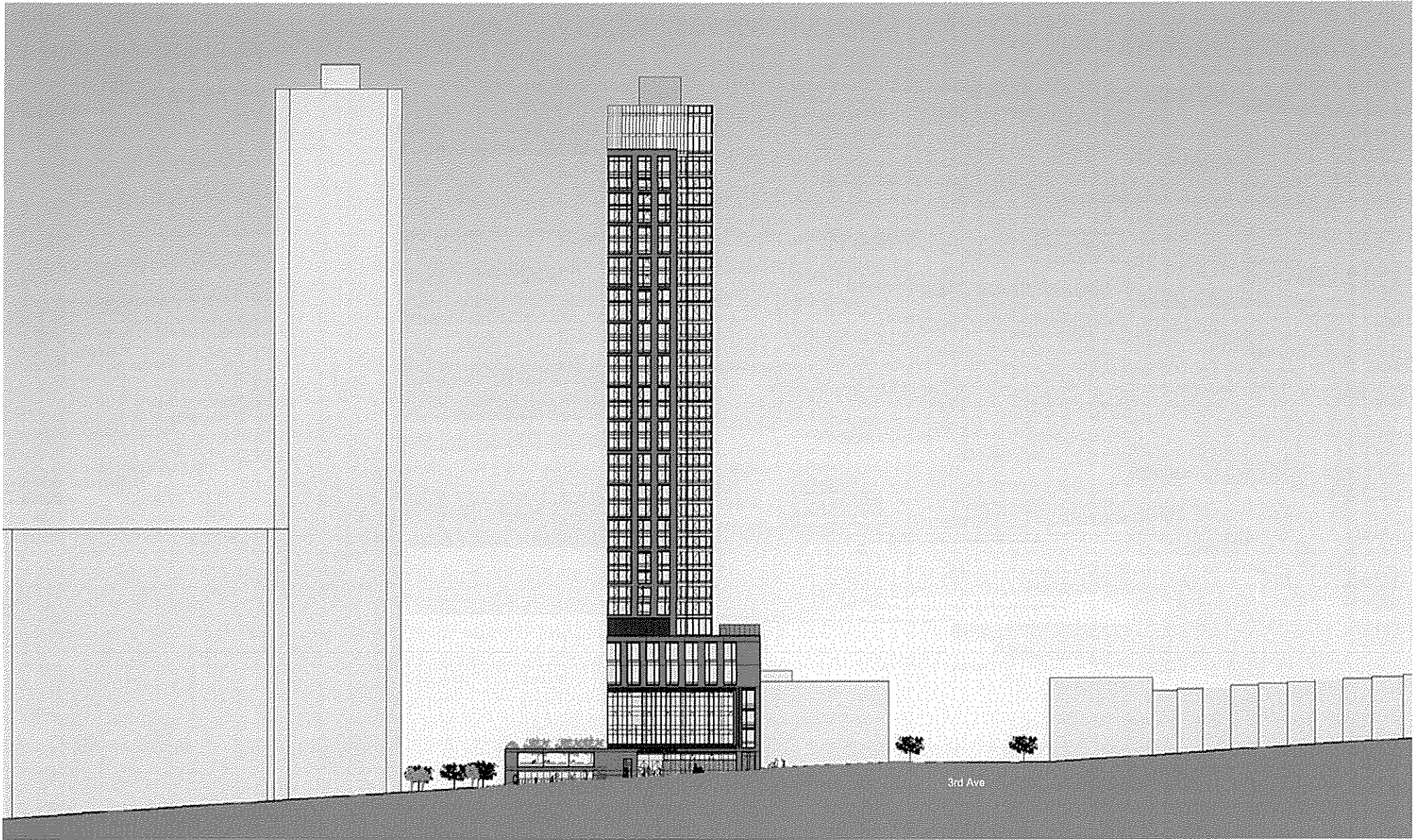
- COMMUNITY FACILITY
- COMMERCIAL USE
- RESIDENTIAL / AMENITY
- PARKING
- MEP



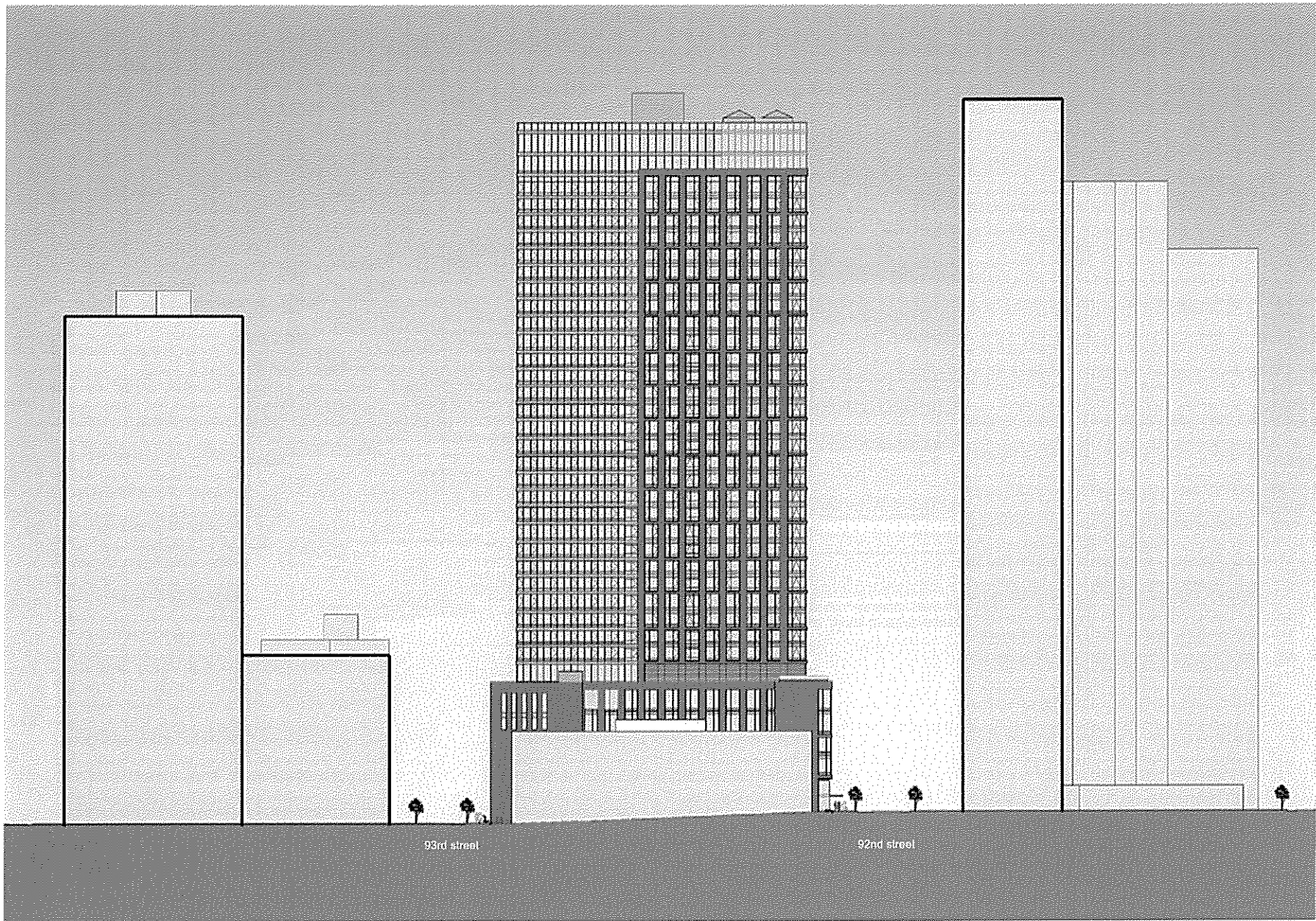
South elevation on 92nd street



East elevation



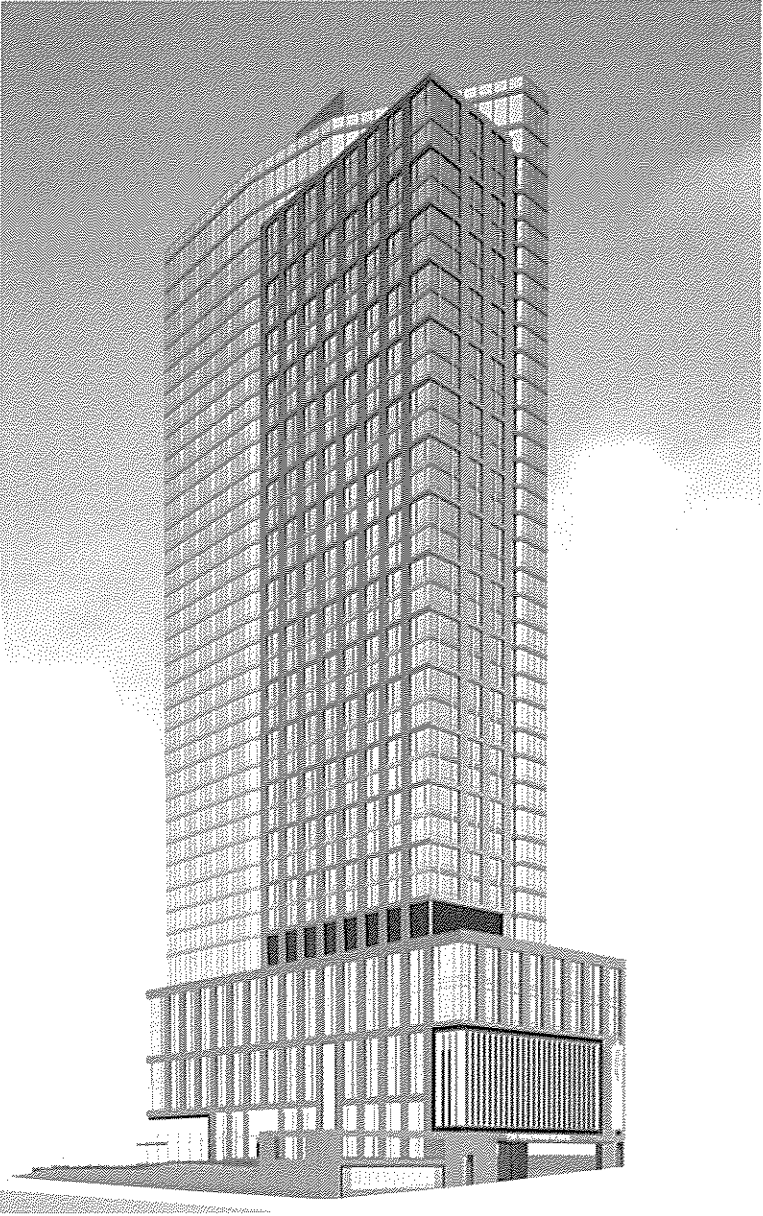
North elevation on 93rd street



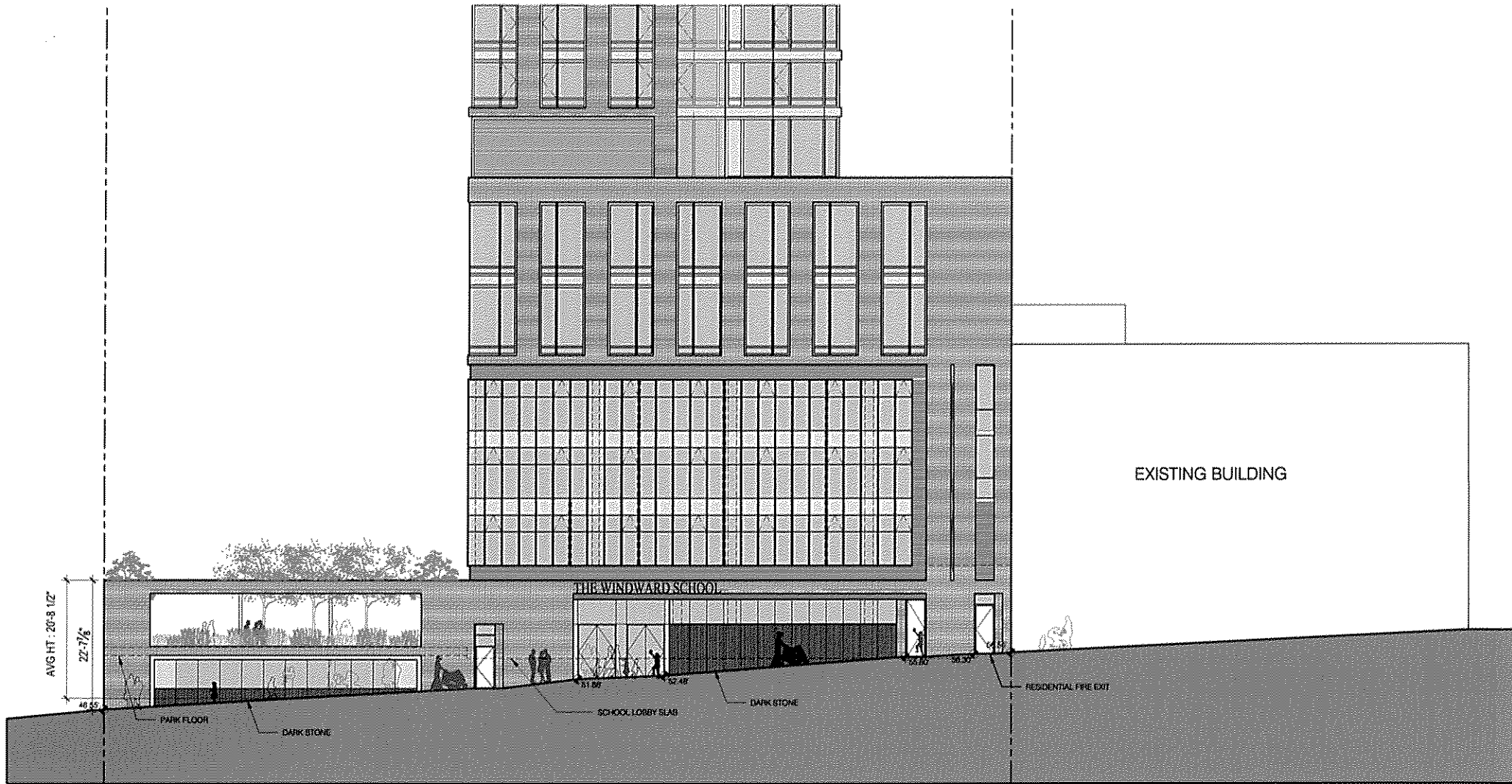
West elevation on 3rd avenue



View looking North West



View looking South West



SCALE 1/16" = 1'-0"

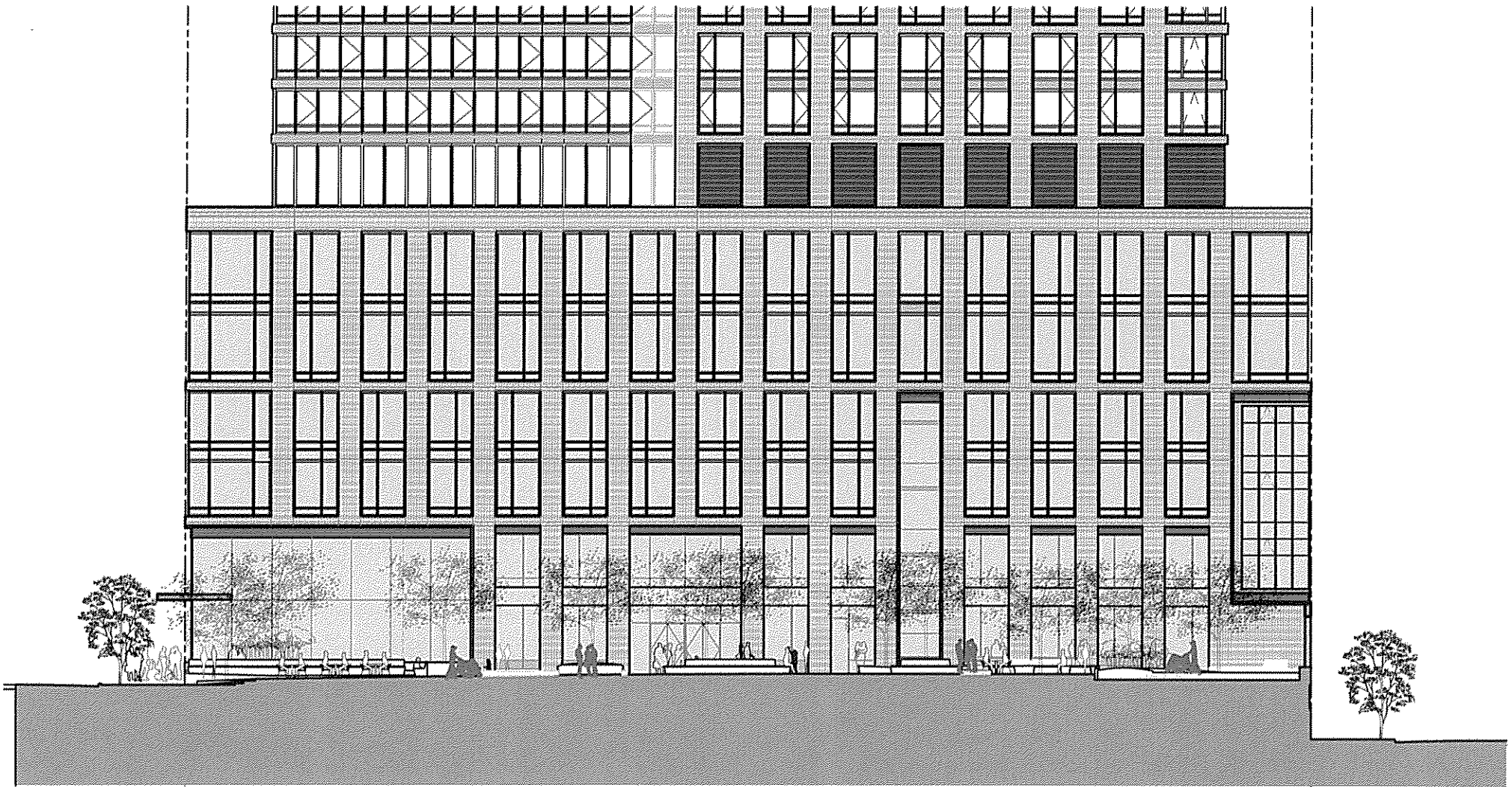
NORTH ELEVATION

205 East 92nd Street, New York, NY

RELATED COMPANIES
 60 Columbus Circle
 New York, NY 10023



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 07-15-2013 RENDERING-11



SCALE 1/16" = 1'-0"

EAST ELEVATION

205 East 92nd Street, New York, NY

RELATED COMPANIES
80 Columbus Circle
New York, NY 10023



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Landscape Architects
and Planners PLLC

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SCALE 1/16" = 1'-0"

SOUTH ELEVATION

205 East 92nd Street, New York, NY

RELATED COMPANIES
60 Columbus Circle
New York, NY 10023



STARR WHITEHOUSE
Landscape Architects
and Planners PLLC

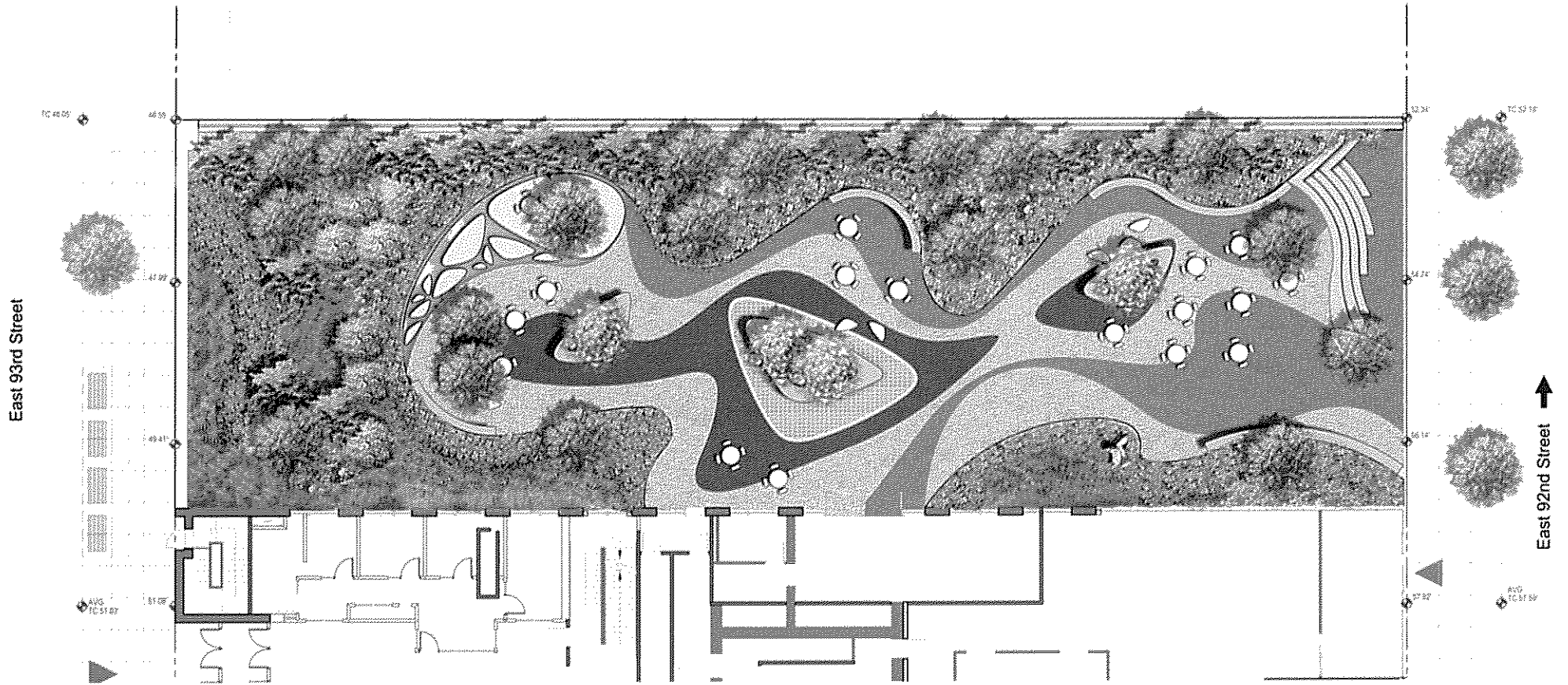
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07-15-2013

RENDERING-13







ILLUSTRATIVE PLAN

205 East 92nd Street, New York, NY

RELATED COMPANIES
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07-15-2013

RENDERING-01



BIRD'S EYE VIEW

205 East 92nd Street, New York, NY

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SEARD WUTHERHOUST
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and Planners PLLC

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07-15-2013

RENDERING-10



VIEW 1- FROM SOUTH EAST CORNER

205 East 92nd Street, New York, NY

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07-15-2013

RENDERING-07



VIEW 2

205 East 92nd Street, New York, NY

RELATED COMPANIES
60 Columbus Circle
New York, NY 10023



STARR WHITEHOUSE
Landscape Architects
and Planners PLLC

HANDEL ARCHITECTS LLP COOLEY MONATO STUDIO

07-15-2013

RENDERING-08

MARIA DEL CARMEN ARROYO
COUNCIL MEMBER, 17TH DISTRICT

□ DISTRICT OFFICE
384 EAST 149TH STREET, SUITE 300
BRONX, NY 10455
(718) 402-6130
FAX: (718) 402-0539

□ CITY HALL OFFICE
250 BROADWAY, SUITE 1768
NEW YORK, NY 10007
(212) 788-7384
FAX: (212) 788-8920



THE COUNCIL
OF
THE CITY OF NEW YORK

CHAIR
HEALTH

COMMITTEES
AGING
GENERAL WELFARE
JUVENILE JUSTICE

LAND USE
PUBLIC HOUSING
SANITATION & SOLID WASTE MANAGEMENT
LANDMARKS, PUBLIC SITING & MARITIME USES

September 27, 2013

Hon. Mark Weprin
Chair, Land Use Subcommittee - Zoning and Franchise
250 Broadway, Suite 1807
New York, NY 10007

Re: LU0891-2013

Dear Chair Weprin:

I write to request the Land Use Subcommittee on Zoning and Franchise disapprove application No. C 110154 ZSX submitted by Liska NY, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 to permit the allowable community facility floor area ratio of Section 24-11 to apply to an 8-story non-profit institution with sleeping accommodations (UG-3), on property located at 731 Southern Boulevard, in an R7-1 District, Borough of the Bronx, Community District 2, Council District 17. The Special Permit would facilitate the legalization of an existing non-profit institution with sleeping accommodations which exceeds the as-of-right 3.44 FAR.

The facility in question has had a long and very controversial history. One that begins over ten years ago and involves a property owner misrepresenting his intentions for the development of his property to the Bronx Borough President, the Department of Buildings and our community. On August 19, 2003, The Bronx Borough President's Office pursuant to its charter mandate originally issued a house number for a 32-unit apartment building, which is classified under Use Group 2 of the Zoning Resolution. In August 2007, four years later, the owner filed with the Department of Buildings to change the building to a 57-unit project with "Sleeping Accommodations for the Homeless", and is operated by New Hope Transitional Housing. The owner not only neglected to make the change from Use Group 2 to Use Group 3, but also neglected to engage the Borough President's Office, Community Board 2 or the Council Member, to discuss his intent to change the use of the property.

Community Board 2 held a public hearing on this application on May 22, 2013 and adopted a resolution recommending disapproval of this application.

On June 19, 2013, this application was considered by the Bronx Borough President, who issued a recommendation to disapprove it.

Although a favorable report was provided by the City Planning Commission on this application, we cannot overlook that the Commission did not consider or evaluate the oversaturation of homeless service facilities within a quarter mile radius of 731 Southern Boulevard. There are seven facilities with 229 transitional units within a quarter mile of this property. Also disregarded is the fact that Community District 2 in the Bronx has the second highest number of unit/beds per housing units in the Bronx, representing 10 percent of the units in the community district.

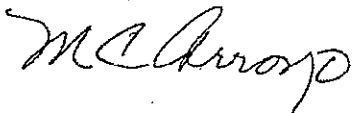
The owner of the property claims the over-build was due to an error and oversight at the Department of Buildings. If this were the only instance of a purported error, I would be more inclined to rethink my position. But, this is not the only instance. This property owner filed under Use Group 2 for 1073 Hall Place, also in Community District 2, and later proceeded to operate it as a shelter using the same non-profit service provider.

It is the belief of the Bronx Borough President, Community Board 2 and yours truly that the overbuild of the facility was not done in error, but done intentionally in order to maximize the number of homeless families the facility could accommodate. Not with the intention to aide more families transition out of homelessness, but to maximize the profit the property owner could extract from the service provider and ultimately the Department of Homeless Services.

Approving this application would encourage the owner and other developers to engage in bad practices that not only violate the Zoning Resolution, but also disregard local communities in the process.

The Bronx Borough President, Community Board 2, and I do not recommend approval of this application and urge the Committee to reject it.

Sincerely,



Cc: C. Quinn – Speaker
L. Comrie – Chair, Land Use Committee

Land Use Committee Members

C. Barron	I. Dickens	D. Garodnick	S. Gonzalez	V. Ignizio
R. Jackson	P. Koo	B. Lander	J. Lappin	S. Levin
R. Mendez	A. Palma	D. Reyna	J. Rivera	A. Vann
J. Williams	R. Wills			



Testimony Submitted to NYC Council on Waterfront Revitalization Plan by
Joaquin Brito, UPROSE Organizer, September 30, 2013

Good Afternoon, I am here on behalf of UPROSE. Founded in 1964, UPROSE is Brooklyn's oldest Latino Community based organization. As many of you know, UPROSE is dedicated to the development of Southwest Brooklyn and the empowerment of its residents primarily through broad and converging environmental, sustainable development, and youth justice campaigns. Our mission shifted in 1996 to organizing, advocacy and developing intergenerational, indigenous leadership through activism around a host of environmental justice issues. We aim to ensure and heighten community awareness and involvement, develop participatory community planning practices, and promote sustainable development with justice and governmental accountability.

Sunset Park is the largest SMIA in NYC. It is also a community with 130,000 people with the most vulnerable living amidst the environmental burdens.

We have an unfair share of environmental burdens, such as a waste transfer station, marine transfer stations, power plants, lack of open space, the Gowanus Expressway, a recycling facility and brownfields. When plans, such as the WRP, are put forth - it often seems like the host community's concerns and burdens are not considered, only making the community more of an environmental wasteland. We strongly urge the following recommendations:

- **1. Require the WRP vulnerability assessment of climate change impacts to address potential exposures to hazardous substances in the event of severe weather.**
- **2. Mandate safe & responsible use of hazardous materials and toxic chemicals**
- **3. Protect local industrial jobs and businesses.**
- **4. Protect & restore wetlands**
- **5. Require waterfront public access, unless proven infeasible and unsafe, in the SMIA's and ESMIA's**

Thank you for your time.

PITTA BISHOP DEL GIORNO & GIBLIN LLC

GOVERNMENT RELATIONS/CONSULTING

120 Broadway, 28th Floor
New York, New York 10271
Tel: (212) 652-3890
Facsimile: (212) 652-3891

MEMORANDUM

TO: Members of the Subcommittee on Zoning and Franchises

FROM: Pitta Bishop Del Giorno & Giblin LLC

DATE: September 30, 2013

RE: MSK/CUNY Development Proposal

FOR THE RECORD

Our firm represents the East Side Alliance Against Overdevelopment, Inc. ("the Alliance") in connection with the proposed MSK/CUNY development project located adjacent to the FDR Drive between East 73rd and 74th Streets. We have learned that Council Member Lappin, the current Council Member representing the area, has an undisclosed conflict and has recused herself from the vote. This leaves her constituents without due representation and the necessary voice speaking on their behalf. We respectfully request that the Committee vote no on the proposed zoning amendments in order to allow for the incoming Council Member that will represent district 5 to be involved in the decision making process. Additionally, voting no will allow for all Council Members on the Subcommittee to become sufficiently informed on both the financial questions regarding the disposition of the property and the community concerns with the project as well as provide an opportunity for the Alliance to forge a mutually agreeable compromise that addresses the issues at hand.

Below are our client's key concerns with the MSK/CUNY development proposal:

- Council Member Lappin has recused herself leaving the constituents of District 5 without due representation
- As part of the \$215 million deal — billed by Mayor Michael Bloomberg as "one of the largest real estate transactions city government has ever been involved in", the proposed terms need to be carefully examined by the voting members of the New York City Council prior to making any decisions on the project — currently the project is being rushed through the approval process

- Payments to the City for this land will be well below the market value of the project site
- The 2 FAR bonus to be granted by the City is itself being priced well below market value
- A significant portion of the total consideration to be paid by MSK/CUNY is unspecified in amount
- The “mitigation” payments themselves may be illegal because they do not benefit the impacted population - Andrew Haswell Green Park is under the 59th street bridge (more than 12 blocks away) and does not service the community directly impacted by the proposed development
- MSK/CUNY are not doing anything to clean up the adjacent waterfront recreational areas — especially the imperiled esplanade directly in front of the proposed project
- The height of the two buildings is unnecessarily high – the project calls for a zoning change from an M3-2 to a C1-9 to add an additional 133,000 SF to the development
- The plan calls for more than 65,000 SF of open space and terraces within the CUNY/Hunter buildings, which will not be accessible to the public
- Community concerns over these issues have been brushed aside and ignored by NYC and MSK/CUNY
- There are insufficient provisions for patient parking – only 248 spots being provided with an estimated 1,680 additional cars and 8,570 additional people over a 24-hour period
- Traffic and pedestrian safety issues are not being sufficiently addressed – already major traffic issues with the entrance to the FDR on 73rd street as well as constant traffic on York Avenue
- Various other development projects have already been approved in the surrounding blocks, adding further burden to the immediate neighborhood; particularly the approved Hospital for Special Surgery facility on 73rd Street directly across from the MSK/CUNY site, adding to the already strained 73rd Street FDR Drive Corridor

Plan Details:

- **Location:** East 73rd-74th Street between York Avenue and FDR Drive
- **Lot Size:** 66,111 square feet
- **Building Size:** Approx. 1,150,000 gross square feet (750,000 for Memorial Sloan-Kettering and 403,000 for CUNY)
- **MSK BUILDING:**
 - Floors: 23 stories (including 5 mechanical floors)
 - Height: 453 feet
 - Environmental: AKRF
 - Architect: Perkins Eastman / Ennead
 - Construction: Turner Construction Company
- **CUNY BUILDING:** *(not yet fully funded – approx. \$176 million in State appropriations already been allocated plus \$54 million for swing space for another location)*
 - Floors: 16 stories (including 3 mechanical floors)
 - Height: 346 feet
 - Environmental: AKRF
 - Architect: Perkins Eastman / Ennead
 - Construction: Turner Construction Company

Zoning Amendments:

- **LU 0885-2013:** to rezone from an M3-2 District to a C1-9 District and an M1-4 District
- **LU 0886-2013:** to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement
- **LU 0887-2013:** to allow location of buildings without regard to rear yard requirement Section 33-283, and to modify side yard requirements of Section 33-25 and height and set requirements of Section 33-432; and (ii) Section 74-743(a)(11) to allow floor area bonus for improvements to a public park
- **LU 0888-2013:** to modify the sign requirements of Section 32-64 (Surface Area Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs)
- **LU 0889-2013:** to allow an enclosed attended accessory parking garage with a maximum of 248 spaces on portions of the ground floor, cell and sub-cellar

SEPTEMBER 30, 2013

Testimony before the Zoning Subcommittee, New York City Council

My name is Melanie Meyers, represent New Water Street Corporation, owners of 55 Water Street in Lower Manhattan. We are asking for the Committee and the Council to approve the Flood Resilience Text Amendment as quickly as possible.

55 Water Street is the largest office building in Lower Manhattan and home to nine major companies employing more than 12,000 workers. The building is surrounded by plazas, including the Vietnam Veterans Memorial Plaza and the Elevated Acre, which was completely rebuilt and upgraded by building ownership several years ago.

55 Water Street was one of the buildings hardest hit by Super Storm Sandy, with extensive damage to the building infrastructure. In response, ownership expended more than \$150 million to both repair the damage and to prepare the building for future storm events. We are at the forefront of storm resiliency efforts, and one aspect of our plan relies on the Flood Resilience Zoning Text Amendment.

In particular, proposed Section 64-323 allows for the location of temporary flood control devices within public plazas, and if the text is adopted it will allow us to prepare the site for the installation of a temporary flood barrier around the 55 Water Street site in the event storm surge or flood conditions are forecast. We will use a state of the art system that can be installed in less than a day and that will protect the building and the building occupants and businesses from the disruption and loss that occurred with Super Storm Sandy. The only part of the system that will be permanent are a series of plates that will be flush with the surface of the plaza that will anchor the temporary barrier.

55 Water will be the first building in Lower Manhattan to implement the system, and we expect that it will be the model for other buildings. New Water Street Corp. has been working very closely with the City, has purchased the system, and is ready to install the system support plates as soon as all of our approvals are in place. While we expect to be obtaining sign offs for most of the system within the next week, the sustainability text must be approved in order to install the support plates over the plaza areas.

With the storm season quickly approaching, we are asking for you and your fellow council members to act on the text at the earliest time possible. Thank you for your consideration.



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September 30, 2013

Testimony to the City Council's Sub-Committee on Zoning and Franchises on Proposed Revisions to the Waterfront Revitalization Program (WRP).

My name is Eva Hanhardt and I am a professor at Pratt Institute in the Programs for Sustainable Planning and Development. I am writing in support of the New York City Environmental Justice Alliance's recommended changes to the proposed Waterfront Revitalization Program.(WRP)

As a former staff person in the Waterfront Division of the Department of City Planning I worked as a WRP reviewer, was the principal author of the Working Waterfront section of the 1992 NYC Comprehensive Waterfront Plan that established the Significant Maritime and Industrial Areas, and was one of the planners responsible for drafting the Waterfront Zoning Text. In retrospect, I have come to appreciate that when we first established the SMIA's we did not adequately recognize and mitigate a number of potential community and environmental impacts relating to this concentration of heavy industrial uses. Certainly we did not even propose consideration of the impacts of climate change and sea level rise in SMIA's although the potential for both was widely known by 2002 when the WRP was revised to reflect the Waterfront Comprehensive Plan.

For these reasons, I see the efforts of the Waterfront Division's staff in updating the WRP to address current and future challenges as especially praiseworthy. However, there remain several areas, as identified by the NYC Environmental Justice Alliance, where the proposed WRP needs to be strengthened. Today the specter of climate change impacts on SMIA's clearly requires that the WRP adopt a more thorough and comprehensive approach to identifying and mitigating, the potential of toxic and hazardous materials exposures resulting from severe weather - including, flooding, storm surge and high winds.

Just as the proposed WRP requires a level of staff expertise on ecological issues in order to review the required natural resources assessment, I believe that WRP staff should be able to review the SMIA provisions relating to potential hazardous exposures recommended by NYCEJA through the vulnerability assessment prepared by the applicant's architect or engineer and/or by selecting staff with the expertise and skill to stay abreast of current scientific knowledge.

I, therefore strongly urge the Sub-Committee on Zoning and Franchises to incorporate the recommendations of the NYC Environmental Justice Alliance to the proposed WRP revision. It is my hope that 10 years from now we will be able to say that the updated WRP did, indeed, adequately and with foresight address the critical challenges facing NYC's Coastal Zone.

①

~~Thank you for providing this opportunity to testify today.~~

My name is Edward J. Kelly, and I am the Executive Director of The Maritime Association of the Port of NY/NJ, an organization with over 500 paid members, which since 1873 has been the primary advocate of the Port's commercial maritime industry, ~~active in the promotion of the safety of marine navigation, the security of maritime assets, the sustainability of the marine environment, and the cost effectiveness of maritime operations.~~

~~Our broad membership includes international ship owners, tug and barge owners and operators, marine terminals, organized longshore labor, agents, pilots, marine underwriters, harbor draymen, admiralty attorneys, and a host of others in the commercial maritime industry.~~

Maritime commerce has been an essential component of the success of NYC since its earliest history. Currently, our Port generates over 280,000 full time job equivalents (~~mostly well-paying blue-collar jobs with strong benefit programs~~), over \$ 33 billion in business income, over \$12 billion in personal income, and over \$ 5.4 billion in federal , state, and local tax revenues.

Perhaps more importantly, maritime transportation is the cheapest, most fuel efficient, and ecologically friendly way to move both freight and people. In our densely populated, urban area the usage of waterborne transport helps to decrease road congestion, reduce truck emissions, reduce wear and tear on aging infrastructure, and make efficient use of our waterway assets. The most recent NYC EDC study revealed that the usage of our existing tug and barge network actually eliminates 3.1 million truck trips per annum through our streets and over our bridges.

NYC has been blessed by having one of the world's best networks of harbors, and estuarine systems. Our waterways create over 500 miles of waterfront property, which can, and should be used for such diverse uses as residential occupancy, recreational activities, public access, ecological enhancement, and, of course, commercial maritime enterprises.

The diverse locations, features, and current usages of our waterways and waterfront properties can enable NYC to promote shared and multi-purpose usage of these assets in accordance with a plan that recognizes the value and best usage opportunities of each area.

As we look to the future, it is clear that there will be increased demand for commercial operations that will keep our Port as a major gateway of international cargoes, and as a local transport network that will move people, freight, bulk and liquid cargoes, waste products, construction materials, and recyclables, throughout our area, while easing congestion, reducing pollution, and enhancing our environment.

In order to accommodate our current and future requirements for waterfront properties which are situated near existing federal and local navigational channels, and that have the necessary hydrologic, and hydraulic capabilities, it is imperative that NYC must have a forward looking, and publicly approved plan with which to govern, oversee and balance the availability of unique waterfront property with other diverse and legitimate purposes.

The primary goal of the members of the Maritime Association of the Port of NY/NJ is that our waterways are used as, ~~and where appropriate to allow the most efficient and diverse usage of our natural assets....~~ In as ~~a~~ SAFE, SECURE, and Sustainable manner as possible.

We have thoroughly reviewed the proposed revisions to the NYC Waterfront Revitalization Plan, and we

are confident that it has properly incorporated the updates and revisions derived from the VISION 2020: NYC Comprehensive Waterfront Plan, and will seek to foster the optimal usage of waterways and waterfront resources as was envisioned in the Federal and State Coastal Zone Management legislations.

We therefore herewith offer our support for the proposed revisions to the NYC Waterfront Revitalization Program, and look forward to continuing to work, and cooperate with, the various City agencies that will further the goals of this program.

Thank you for your time and attention.



Testimony by Joseph Pupello, President and CEO, Zone A New York
City Council Sub-committee on Zoning and Franchises
Support of the Flood Resilience Zoning Text Amendment

I want to thank the Speaker, the Council and The Chair and staff of the Department of City Planning for this opportunity to speak on behalf of the communities we serve in the aftermath of Hurricane Sandy.

Zone A New York has been on the ground working directly with residents, primarily in Staten Island where thousands of people are still not home. In addition, we have worked with various city agencies in providing anecdotal and first-hand knowledge of the challenges and community needs, helping inform the leadership charged with developing the proposals and programs now being carried out as part of the CDBG-DR funding provided by Congress. We also have been working with colleague organizations in coordinating and providing assistance to residents, in a way that compliments and addresses critical needs unable to be met by the CDBG-DR program, now called the New York City Build It Back program.

Today has a particular significance in supporting these changes, as today is the final official day of registration to the New York City Build it Back program. As of this morning, we have not heard that an extension has been employed. As part of this zoning amendment, a registration extension to the Build It Back program would give dignity to those who need to make informed decisions and partner with government with trust and clarity. I urge you all to support a registration deadline extension in conjunction with this acceptance of text changes and become THAT partner, residents so desperately need.

I was out with a group of Zone A New York supporters in the communities where we work in Staten Island this Saturday, encouraging the hundreds of people who have still not yet registered to please do so. The candid responses we received from so many residents we encountered were disheartening. Continued confusion, lack of clarity, and a growing mistrust that help is on the way was profoundly present. As the one-year anniversary of Hurricane Sandy nears, and demonstrable residential building progress is barely detectable, people are reticent to fully reveal their fears. What they are clear about, however, is that they just don't have enough information to make informed, wise and life-changing decisions and fear the worst – building incorrectly.

City Planning has been working day and night and with tremendous detail and in collaboration with partners throughout the city to target the most critical issues that needed to be addressed, resolved and communicated to the general public. The proposal before you represents remarkable work that MUST be out on the streets immediately. Under most circumstances, the average homeowner does not follow zoning text changes. There isn't enough time in their day. This amendment, however, has become a life preserver, that thousands of people have been waiting to be tossed into their midst, 11 months after the water has receded. They are waiting. Let's end that waiting and give residents the context and trust they need to rebuild their homes and their lives.

This official adoption of these changes represents the most important decision and action on the part of city government that directly affects the lives of our neighbors. The first response Mayor's Executive Orders that guided the early rebuilding activity were needed and critical, however, temporary in nature creating uncertainty. Today, we are asking for decisive action that will renew hope and confidence for people to act. Whether that is in the context of acting on their own or taking the leap of trust and register for the New York City Build it Back program, knowing how they can and will rebuild and being part of that decision.

This is just a beginning for residents and their neighbors, who are charged now with engaging in local planning initiatives, such as SIMagines, Staten Island's first and only borough-wide and community-driven post-Sandy planning platform. Initiatives such as SIMagines are vehicles that help real people engage with the larger planning efforts undertaken by our own NYC Department of City Planning.

Zone A New York commends DCP's work that came before Hurricane Sandy and positioned the department to be able to respond so well following the storm's disastrous impact. We believe this effort should be recognized as a model for how the city address disasters such as this one, the impending rise of sea waters, and resilient development moving forward. Updates and revisions will always be required in a changing city such ours, and I want to personally thank everyone at the DCP for their hard work and tenacity in helping our neighbors get closer to the finish line and recover from this tragic disaster. Thank you.

Respectfully submitted,
Joseph Pupello
President and CEO
Zone A New York



Testimony Presented by
Jerilyn Perine
Executive Director CHPC
NY City Council

Subcommittee on Zoning and Franchises
Mark S. Weprin, Chair

Members: Leroy G. Comrie, Jr., Daniel R. Garodnick, Robert Jackson,
Jessica S. Lappin, Diana Reyna, Joel Rivera,
Albert Vann, Vincent M. Ignizio and Ruben Wills
Monday, September 30, 2013 9:30 AM Council Chambers

Application No. N 130331(A) ZRY submitted by the
Department of City Planning pursuant to Section 201 of the
New York City Charter for amendments to the Zoning
Resolution, pertaining to enabling flood resilient construction
within flood zones located throughout New York City.

CHPC has been committed to collaboratively working with the city in the aftermath of Hurricane Sandy, and the CHPC Board has provided advice and recommendations concerning the regulatory changes needed to facilitate flood-resilient post-disaster reconstruction and planning. One important part of this work has been the Department of City Planning's efforts to revise the zoning provisions applicable within flood zones so as to both streamline repair and rebuild efforts and improve the flood resilience of new and existing buildings.

The proposed text changes are an important step to encourage flood-resilient construction, enable compliance with updated FEMA guidance, accommodate flood zone restrictions on ground floor use, and improve the visual character of the flood zone's streetscape. The Zoning Committee of CHPC reviewed the proposed text submitted by the Department of City Planning and offered several suggestions in response to an early draft that were subsequently adopted or addressed. In particular, we are pleased that owners and developers are now encouraged to move electrical rooms above the Flood-Resistant Construction Elevation by having such space be deducted from floor area and that the DCP has addressed the accessibility challenges presented by buildings which are raised significantly above freeboard. We are especially encouraged to see that the new changes permit small homes to actually be raised beyond the minimum requirement to 10 feet in some instances which will allow the space to be used productively.

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We fully support the proposed text amendment and are grateful for the Department of City Planning's diligent work revising the City's zoning to address affected residents' most urgent concerns.

Moving forward, we recommend that a study should be conducted with regard to the legalization of affected buildings' illegal basement or cellar apartments to minimize the loss of this housing stock; that the Department of City Planning explore other building envelope relief for owners and developers choosing to include features that promote flood resilience (such as more flexibility on small homes lots from side yard requirements); and while we are happy to see an expedited BSA process included – we would encourage DCP to consider a multi lot application with support from the City where multiple lots and homes may be subject to these BSA variances thus expediting further some of the construction and renovation that the City is now undertaking through the Build it Back initiative.

Our committee would like to reiterate that we particularly commend DCP's efforts that ***predated*** Hurricane Sandy and positioned the department to be able to respond so well following the storm's disastrous impact. This effort should serve as a model for the city's response to the need to update and improve its regulations to address disasters such as this one and climate change in the long run.



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Testimony before the Subcommittee on Zoning and Franchises on the Proposed Flood Resilience Text Amendment September 30, 2013

On behalf of the New York Chapter of the American Institute of Architects (AIANY) we are here to provide testimony in support of the Proposed Flood Resilience Text Amendment and offer some suggestions for further longer term investigation.

Immediately after Superstorm Sandy, the City of New York began a concerted effort to establish a framework for recovery --how to resiliently rebuild areas damaged by the storm, how to establish new rules to cover the new realities of vulnerability.

As a parallel supporting effort, the AIANY spearheaded a collaborative initiative to assist the city in investigating issues and outlining options and opportunities to address the short-, intermediate-, and long-term impacts of the storm and the escalating effects of climate change on New York City. The impetus for this work grew in part from an informal partnership that had developed between the AIANY Design for Risk and Reconstruction Committee (DfRR) and the NYC Department of City Planning (DCP). Starting well in advance of Superstorm Sandy, these two groups had collaborated on multidisciplinary design explorations related to climate change.

After the devastation of the storm, this relationship expanded into the 'Post-Sandy Initiative' initiated by the AIA NY Chapter and involving a larger set of collaborators representing other AIA chapters and the design and planning community as a whole. In particular the NYC Department of City Planning reached out to the Housing Working Group of the Post-Sandy Initiative, and through a 'charrette' process DCP defined issues and the Working Group examined potential solutions. Participants jointly examined a variety of potential building types and zoning responses to increase resiliency while maintaining and improving the streetscape. This process helped to ensure that compliance with these new regulations is feasible for homeowners and building managers.

The current Flood Resilience Text Amendment is in part an extension of those initial efforts, part of an impressive and extensive program of technical research, stakeholder outreach, and creative planning. DCP has done an admirable job of creating reasonable and feasible zoning standards to protect property owners from future Sandy-like occurrences as well as anticipated longer term changes to the City's natural environment. They have examined the potential unintended consequences of raising structures out of harm's way and have proposed creative ways to vary previous height, setback, mechanical and streetscape standards to mitigate negative impacts. And they have illustrated these proposals with a set of clear, user-friendly diagrams, building perspectives and plans.

These are a first set of proposals, and DCP recognizes that further work is yet to be done. AIANY suggests the following issues that need additional attention in the near future:

- Allowing these regulations and mitigations to apply to properties beyond the proposed 100 year boundary to within the new 500 year boundary, and using the 500 year flood elevation as the flood elevation, increasing the opportunity to create further long-term sea level rise resiliency. These would be discretionary, not mandatory, but would allow homeowners in this expanded zone the opportunity to avail themselves of the same regulatory mitigations.
- Providing greater ability to replace floor area below the flood elevation in existing buildings through greater flexibility in horizontal and vertical expansions.
- Further modification regarding Issues of street wall alignment and rear yard setback requirements to allow for accessible entrances to the building.
- Modifications for addressing side yard requirements for building replacement on narrow lots.

To reiterate our support, we strongly encourage the Subcommittee on Zoning and Franchises to approve these proposals and we commend the Department of City Planning for its tireless efforts under extreme deadline pressure to serve its constituents. This an excellent first step. Given that these proposal sunset a year after final flood elevations are approved, we hope the Department and the Commission will review results of the proposed standards in practice and look to incorporate the additional issues we have raised in the permanent proposal to follow.

Thank you for your attention.

Jill N. Lerner, FAIA
President

Lance Jay Brown, FAIA
President-elect

Rick Bell, FAIA
Executive Director

Ilya Azaroff, AIA
Co-Chair
Design for Risk and Reconstruction Committee



Written Testimony Submitted to the **New York City Council Sub-Committee on Zoning and Franchises**
Hearing on Revisions to New York City's Waterfront Revitalization Program
September 30, 2013

Submitted by Anusha Venkataraman
Director of El Puente's Green Light District Initiative

I respectfully submit this testimony to the City Council on the NYC Waterfront Revitalization Program on behalf of El Puente, a member of the New York City Environmental Justice Alliance (NYC-EJA). El Puente is a thirty-old community human rights institution in North Brooklyn that promotes leadership for peace and justice through the engagement of youth and community members in the arts, education, health & wellness and environmental action. We have three youth leadership centers in Williamsburg, one in Bushwick, and a public high school founded by El Puente twenty years ago. I am the Director of the El Puente Green Light District, a ten-year initiative launched in 2011 to lead the Southside, or "Los Sures," from one of the most economically and environmentally challenged neighborhoods in New York City into an equitable, sustainable, safe, healthy, and civically engaged community. I also recently sat on the advisory committee for the NYC DCP & EDC's Open Industrial Use Study to revise regulation and oversight of open industrial uses, especially those on the waterfront.

Our community is directly impacted by the policies discussed here today, having two of the six SMIA's located in or immediately adjacent to Community Board 1: the Newton Creek and the Brooklyn Navy Yard. Meanwhile, despite a rapidly changing community in terms of race, income, and class, many residents face significant health issues related to toxic exposure, poor air quality (which is directly related to the number of trucks hauling waste that drive through our streets), and inadequate open and green space. El Puente urges the City to fully address the contamination exposure risks associated with clusters of heavy industrial uses in these vulnerable coastal locations in our community. The Significant Maritime Industrial Area policies currently protect industrial uses in NYC – but they can do much more by becoming a guide for increasing the environmental and economic resilience of the residents and businesses in our community. For that reason El Puente supports the following NYC-EJA recommendations:

Require the WRP vulnerability assessment of climate change impacts to address potential exposures to hazardous substances: In the face of climate change and the increasing risk of major weather events, the shape and face of North Brooklyn—and New York City—may change. We need to recognize the likelihood and timeframe for impacts such as sea level rise and storm surge, especially



when siting not only industrial uses, but also new residential and commercial development, infrastructure, and performing brownfield remediation.

Mandate safe & responsible use of hazardous materials and toxic chemicals: Many hazardous materials are stored or transported along our waterfront, with no plan for preventing pollution in the case of disaster or extreme weather event. Any material that is improperly or insecurely handled at a site along the waterfront risks contaminating not only our waterways, but our lands, homes, and bodies. For instance, along the waterfront in the Southside is a company called Radiac, which transports radioactive waste – and is located a block from an elementary school that could be exposed to radiation.

Protect local industrial jobs and businesses: This community has already seen a dramatic drop in jobs that support working class families, such as those offered by industry and manufacturing. The industrial remaining jobs need to be protected—and improved—so that families can continue to live and work in CB1. In particular, the “underused land” designation in the proposed WRP changes is vague and could lead to the introduction of non-industrial uses such as high-end residential development.

Protect & restore wetlands: Despite the historic pollution of the Newtown Creek waterway, it is still a rich ecological resource. We demand that this wetland along the SMIA has to be protected and restored. One place in CB1 where this has begun is at the Visitors Center at the Newtown Creek Wastewater Treatment Facility. The Visitors Center features a Nature Walk, providing both public access and education about waterfront ecosystems to the community, and some wetland restoration. This is a good model for creating more public awareness about the ecological resource of our waterfront.

Require waterfront public access, unless proven infeasible and unsafe, in the SMIA and ESMIA: This community despite being bound on almost all sides by water, but has limited access and use of its miles of waterfront. New public access points along the East River have been promised for the Northside of Williamsburg and Greenpoint, but the Southside of Williamsburg, close to the Navy Yard, and the Newtown Creek SMIA is sorely lacking in safe and accessible points where our communities can have access to the waterfront. Many of these neighborhoods do not even know they are waterfront communities.

Our recommendations are based on the NYC-EJA Waterfront Justice Project with the intention that the use and regulation of our waterfront will happen in an equitable and just way. I thank you for your time and consideration, and please feel free to contact me for additional information on the above points.



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New York City Environmental Justice Alliance's (NYC-EJA) Testimony to the City Council's Sub-Committee on Zoning and Franchises on Proposed Revisions to the Waterfront Revitalization Program (WRP).

September 30, 2013

Founded in 1991, the New York City Environmental Justice Alliance (NYC-EJA) is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. NYC-EJA empowers its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens. Through these efforts, member organizations coalesce around specific common issues that threaten the ability of low-income communities of color to thrive, and coordinate campaigns designed to affect City and State policies. The impact of climate change and mitigation measures is central to NYC-EJA's agenda.

NYC-EJA's Waterfront Justice Project

In 2010, NYC-EJA launched the Waterfront Justice Project, New York City's first citywide community resiliency campaign. When the City of New York initiated its overhaul of the Comprehensive Waterfront Plan (Vision 2020) in 2010, NYC-EJA began an advocacy campaign to convince the Bloomberg Administration to reform waterfront zones designated as the Significant Maritime and Industrial Areas (SMIAs.) These are zones created by the 2002 NYC Waterfront Revitalization Program (WRP) to encourage the protection and siting of industrial and maritime uses along the waterfront.

Development applications in SMIAs are regulated by the WRP – the legal mechanism to determine consistency with NYC's waterfront policies and regulations. The SMIAs are treated differently by the WRP than other waterfront areas by assuming that industrial and maritime uses are consistent there, resulting in the siting and clustering of potentially noxious and polluting uses and infrastructure. There are only six SMIAs in the City – all are located in classic "environmental justice" communities (the South Bronx, Sunset Park, Red Hook, Newtown Creek, Brooklyn Navy Yard & the North Shore of Staten Island) and predominantly low-income communities of color.

Waterfront Justice: Building Resilient Communities & a Diverse Economy

NYC-EJA discovered the six SMIAs are all in hurricane storm surge zones, and that the City of New York had not analyzed the cumulative contamination exposure risks associated with clusters of heavy industrial use in such vulnerable locations. In collaboration with Pratt Institute, NYC-EJA began a research project to assess facilities that use, transport, or store hazardous or toxic substances in order to identify community vulnerability for those working and living in and around SMIAs in the event of storm surge, flooding, high winds, and sea-level-rise.

NYC-EJA endorses a balanced approach to waterfront policy that bolsters waterfront communities by promoting economic growth while protecting the environment and advancing equity. We envision innovative waterfront industrial regulations and zoning that set the standard for environmentally conscious development while enhancing community resiliency. New York City needs a diverse economy that supports working and middle class families. Promoting and preserving industrial jobs and manufacturing zoning in the city is a key component of creating a resilient and thriving economy.

However, while NYC-EJA supports the continuation of industrial and water-dependent uses in the SMIA's, it is concerned that the city's manufacturing zones located on the waterfront are vulnerable to climate change impacts, which pose a threat on industrial facilities handling, storing and transferring hazardous materials and toxic chemicals used in industrial processes. NYC-EJA believes that New York City can and must create policies that mitigate climate change impacts, reducing the risk of hazardous exposures and minimizing the negative impacts associated with industrial uses, in order to foster a healthy economic base for all New Yorkers. This process can start by strengthening and streamlining the Waterfront Revitalization Program policies that apply in the working waterfront and manufacturing zones.

NYC-EJA's Waterfront Revitalization Program (WRP) Recommendations

NYC-EJA commends the Department of City Planning (DCP) for the many positive changes in the proposed revisions to the Waterfront Revitalization Program (WRP). WRP policies are used in the consistency review process for new development proposals and have limited or no impact on existing and as-of-right uses. Even so, the WRP represents an important opportunity to support sustainable and climate resilient development on the waterfront. The Department of City Planning's proposed revisions to the WRP show the WRP's capacity to promote waterfront policies that are environmentally, socially, and fiscally responsible. We are particularly pleased that in response to NYC-EJA's concerns the proposed WRP has integrated many recommendations, which have been discussed in various forms of collaboration with DCP over the last three years¹.

However, a few areas remain where the WRP updates still falls short of providing the strongest protections for residents, workers, and local businesses². NYC-EJA urges the City Council to fully address the contamination exposure risks associated with clusters of heavy industrial uses in the Significant Maritime and Industrial Areas (SMIA's), and support the following recommendations:

NYC-EJA RECOMMENDATION 1:

Require the WRP vulnerability assessment of climate change impacts to address potential exposures to hazardous substances during extreme weather events

WRP Policy 6.2 A indicates that in the planning and design of projects, "*vulnerabilities to and impacts of sea level rise, coastal flooding, and storm surge over the lifespan of the proposed project should be assessed.*" NYC-EJA is concerned that the criteria to conduct and evaluate this assessment have not been defined adequately in the draft revisions.

New planning and design proposals in industrial waterfront neighborhoods require a comprehensive analysis of climate change impacts. The vulnerability assessment should be

¹ See NYC-EJA's testimony prepared for the 2012 City Planning Commission hearing on WRP, available at: <http://bit.ly/19MnOdO>.

² See NYC-EJA's recent memo to the City Council staff for an outline of NYC-EJA's policy recommendations as they relate to: 1) language included in the draft published by DCP that was reviewed through public hearings in 2012 by Community Boards, Borough Boards and Borough Presidents, yet has been deleted in the 2013 draft; 2) new language that was introduced in 2013; and 3) other language of concern. Available at: <http://bit.ly/19NK8DD>

comprehensive and address projected climate change impacts that consistently include storm surge and high winds, not just flooding and sea level rise, and develop guidelines to assess / mitigate these risks and support industrial businesses with their implementation. As advances in climate science allow for greater precision in estimates of climate impacts in the years to come, using the “best available science-based projections,” will provide a means for applicants and reviewers to integrate climate change consciousness into “all other considerations” during the WRP consistency review process.

Notwithstanding, this assessment should include the impacts on public safety resulting from potential exposure of hazardous substances and toxic chemicals during extreme weather events -- including long-term public health impacts to protect the health and well-being of surrounding communities, businesses, local workers, and natural resources. Just as the WRP requires a level of expertise on ecological issues to review the natural resources assessment required in Policy 4.2, it is expected that DCP should be able to review potential hazardous exposures either through the vulnerability assessment prepared by the applicant’s architect or engineer, new DCP staff hired with this expertise, or by relying on other permit information provided by applicants.

NYC-EJA's WRP Recommendations:

- **Require the WRP vulnerability assessment of climate change impacts in the planning and design of all projects on the coastal zone to address potential exposure to chemicals / hazardous materials to humans and the environment during extreme weather events, and to the degree feasible, mitigate these impacts;**
- **Provide a clear definition of vulnerability that includes threats to public health and well-being in addition to other impacts on both residents and workers;**
- **Require the WRP vulnerability assessment of climate change impacts to be comprehensive, evaluating vulnerability to high winds, along with storm surge, flooding, and sea level rise -- using current and best available science-based projections; and**
- **Include guidance on how to evaluate impacted assets, potential hazards, and vulnerabilities.**

NYC-EJA RECOMMENDATION 2:

Mandate safe & responsible use of hazardous materials and toxic chemicals

NYC-EJA continues to advocate that language regarding hazardous materials and toxic chemicals should be consistent and clear throughout Policy 7 -- for example all policies should apply to facilities transferring and storing waste -- not just those handling it.

Although many Land Use Group 18 uses that allow the presence of hazardous substances as-of-right are also regulated by city, state and/or federal environmental regulations that cover the use of these substances, these regulations do not reference potential climate change impacts. Therefore, the WRP plays an important role in helping the applicant understand issues it needs to consider, and coordinate mitigation actions with other existing regulations.

NYC-EJA's WRP Recommendations:

- **Require an adequate control plan for emergency preparedness, pollution prevention, good housekeeping and control of hazardous wastes, toxic pollutants, and substances hazardous to the environment for any facility, not just *handling*, but *transferring and storing* these substances -- that considers the impacts of projected climate change listed in Recommendation 1 (above); and**

- **Unless proven infeasible, mitigation measures should include but not be limited to best management, design, and construction practices; emergency preparedness; industrial pollution prevention, and sustainable development best practices.**

**NYC-EJA RECOMMENDATION 3:
Protect local industrial jobs and businesses**

Supporting local industrial jobs and businesses in the Significant Maritime Industrial Areas (SMIAs) should be a key priority for the WRP. NYC-EJA is gravely concerned that the new WRP is opening the door to potential re-zonings in the SMIAs. This is a significant threat to manufacturing jobs in NYC given that the majority of land zoned for heavy manufacturing (excluding Fresh Kills, NYC's airports, and Con Ed facilities) is in the SMIAs.

Policy 1 (Residential and Commercial Redevelopment) promotes revitalization of "*underused*" industrial land through rezoning for housing and commercial development -- but the WRP does not define what constitutes "*underused*." Guidelines that provide transparent criteria for whether land is "*underused*" will help, rather than impede, contextual analyses in the WRP consistency review. Policy 2 (Maritime and Industrial Development) uses new language suggesting that non-water dependent or non-industrial uses "*can spur investment in waterfront infrastructure*". However, to be consistent with the WRP goal to "*promote water-dependent and industrial uses in the Significant Maritime and Industrial Areas*", changes in land use should exclude non-water-dependent uses that are not strictly accessory.

NYC-EJA's WRP Recommendations:

- **Provide clear guidelines that define the criteria for "underused land" in the working waterfront; and**
- **Discourage discretionary actions in the SMIAs that reduce land zoned for manufacturing and introduce non-industrial, non-water-dependent uses that are not strictly accessory.**

**NYC-EJA RECOMMENDATION 4:
Protect & restore wetlands in industrial waterfront neighborhoods**

The SMIAs in Brooklyn, Queens, and the Bronx may contain a smaller amount of wetlands acreage than in Staten Island -- but there is a need to provide for "sensitive industrial development" in these areas, nonetheless. Policy 2 includes provisions to "promote" ecologically sensitive industrial development in the Significant Maritime and Industrial Areas (SMIAs), but the design and implementation criteria for such sensitive development must be clarified. WRP should protect ecologically sensitive areas located inside or immediately adjacent to the South Bronx, Sunset Park and Newtown Creek SMIA's, where Special Natural Waterfront Areas (SNWAs) or Recognized Ecological Complexes (RECs) have been identified, and prevent the loss of net tidal and freshwater wetlands in these areas.

NYC-EJA's WRP Recommendations:

- **WRP should protect ecologically sensitive areas located inside or immediately adjacent to the South Bronx, Sunset Park and Newtown Creek SMIA's, where Special Natural Waterfront Areas (SNWAs) or Recognized Ecological Complexes (RECs) have been identified, and prevent the loss of net tidal and freshwater wetlands in these areas; and**

- **The inventory of Special Natural Waterfront Areas (SNWAs) or Recognized Ecological Complexes (RECs) should list ecological resources included in the New York City Wetlands Transfer Task Force.**

NYC-EJA RECOMMENDATION 5:

Require waterfront public access in industrial waterfront neighborhoods

WRP Policy 8 (Public Access) does encourage waterfront public access in industrial areas (such as the SMIA's), but it does not require it. This represents a missed opportunity to ensure waterfront public access, physical or visual, as appropriate, in industrial waterfront communities - even though this action may require a zoning text amendment.

NYC-EJA's WRP Recommendation:

- **Require an appropriate form of waterfront public access, unless proven infeasible & unsafe, in the SMIA's and ESMIA's**

NYC-EJA commends the Sub-Committee on Zoning and Franchises for inviting public comments on the proposed amendments to the Waterfront Revitalization Program. The City Council plays a critical role in ensuring that New York City fully takes advantage of this opportunity to increase the sustainability and resiliency of its working waterfront. We feel that the proposed WRP is a significant accomplishment, while we look forward to discussing in more detail how NYC-EJA's can recommendations help strengthen this important reform.



Metropolitan Waterfront Alliance

Testimony of Roland Lewis, President and CEO

Before the New York City Council

September 30, 2013

Good morning and thank you for the opportunity to submit this testimony. I am Roland Lewis, President and CEO of the Metropolitan Waterfront Alliance (MWA). MWA is a coalition of over 740 businesses, community and recreational groups, educational institutions, and other stakeholders committed to transforming the New York and New Jersey Harbor and its waterways to make them cleaner and more accessible, a vibrant place to play, learn, and work with great parks, great jobs, and great transportation for all.

In 2008, I testified before the City Council, asking the City Council to pass legislation requiring the City reexamine its waterfront. That legislation led to Vision 2020, an update to the award-winning and internationally recognized New York City Comprehensive Waterfront Plan. Based on that plan and the extensive public outreach that generated the ideas of that plan, the City is now poised to pass the revisions to the Waterfront Revitalization Program (WRP). With this update to the WRP, the City will change the way that it evaluates and measures waterfront projects, solidifying New York City's leadership in the area of sustainability and climate resilience planning.

Among the most important changes that MWA enthusiastically endorses are:

- For the first time, projects will be required to examine the risks associated with climate change based on sea level rise projections with the best science available, and use resilient design strategies to address vulnerabilities.
- In order to strengthen water-dependent industries, the WRP prioritizes maritime uses over other uses within Significant Maritime and Industrial Areas, and encourages maintenance and/or development of the bulkhead infrastructure for future maritime use.
- Waterfront public space design best practices are included to ensure high-quality waterfront places.
- To promote ecological preservation in concert with industrial development along the West Shore of Staten Island, the WRP identifies the Arthur Kill Ecologically Significant Maritime and Industrial Area (ESMIA). This area of Staten Island is uniquely positioned with vast wetlands and other natural features, and includes many large undeveloped parcels with close proximity to the Port, and access to highways and freight rail lines.

MWA enthusiastically endorses these important revisions and strongly urges you to pass the WRP, further ensuring that NYC is a world class harbor city, one that invests in its waterfront, and takes advantage of the great resource that surrounds us.



WHERE COMMUNITY AND CREATIVITY CONNECT.

940 GARRISON AVENUE · THE BRONX, NY 10474 · (718) 542-4139 FAX (718) 542-4988 www.thepoint.org

Monday September 30, 2013

City Council Hearing

in the matter of “The Revised New York City Waterfront Revitalization Program” concerning revisions to the New York City Waterfront Revitalization Program, submitted by the New York City Department of City Planning, for consideration pursuant to Section 197-a of the New York City Charter.

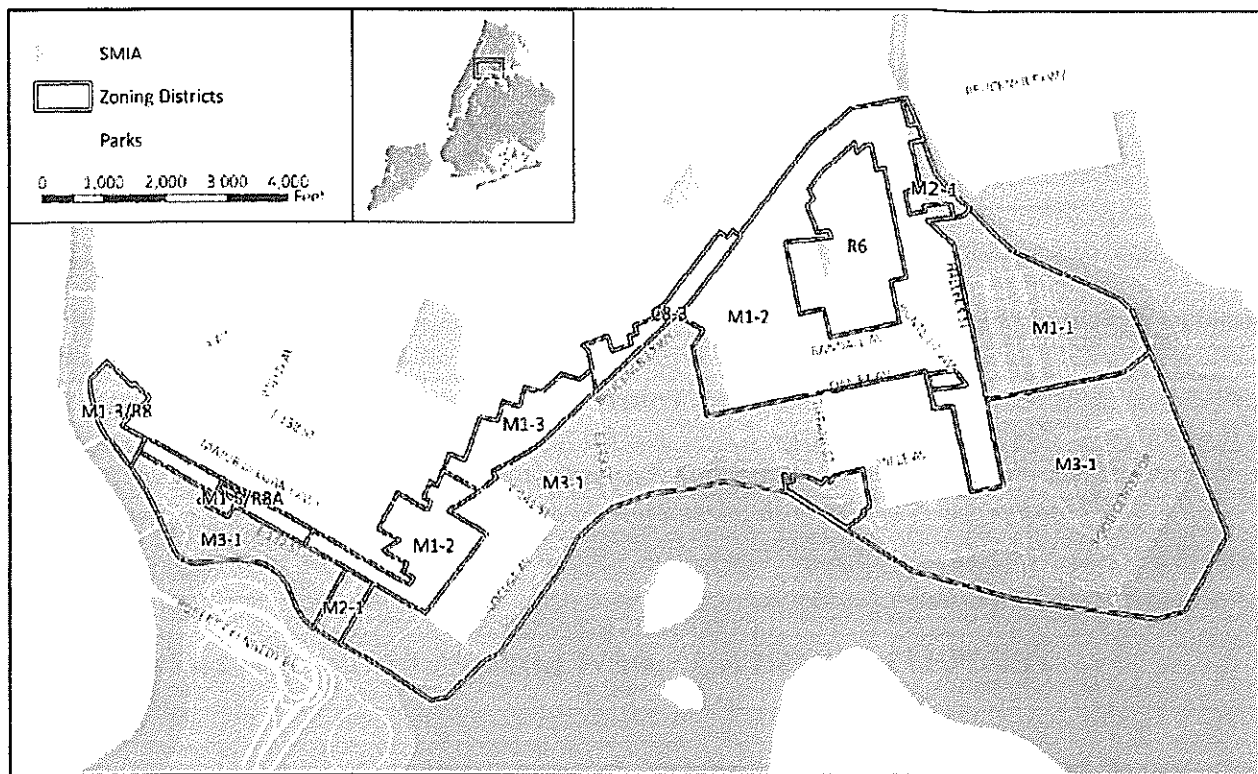
Comments prepared by
THE POINT COMMUNITY DEVELOPMENT CORPORATION

THE POINT COMMUNITY DEVELOPMENT CORPORATION is a nonprofit organization, located in Hunts Point, dedicated to youth development and the cultural and economic revitalization of the Hunts Point section of the South Bronx. Our mission is to encourage the arts, local enterprise, responsible ecology, and self-investment in the Hunts Point community. The POINT has dedicated over a decade of advocacy to assist and fight for the equitable, balanced and just development of our South Bronx community and our waterfronts as a member of the New York City Environmental Justice Alliance, the Organization of Waterfront Neighborhoods and as a lead project partner of the South Bronx Greenway. In our role as a community development agency, we strive to represent the voices of our communities and communicate needs and solutions that will improve the overall quality of life of our neighbors. We are here today to once again make the case for equity and justice as it pertains our Environmental Justice community and those facing similar challenges throughout New York City.

There are six SMIA's in NYC, which are characterized by clusters of industrial firms and water-dependent businesses. All these SMIA's are located in classic “environmental justice” communities - largely low-income and communities of color such as the South Bronx; Newtown Creek; Brooklyn Navy Yard; Red Hook; Sunset Park; and Staten Island’s North Shore. The SMIA's are treated differently by the WRP than other waterfront areas by assuming that industrial and maritime uses are consistent there, resulting in the siting and clustering of potentially noxious and polluting uses and infrastructure.

The South Bronx SMIA is more than 850 acres in size, stretching from Port Morris on the Harlem River to Hunts Point on the East River. Wholesale trade is the dominant industry. Hunts Point is a neighborhood located on a peninsula in the South Bronx in New York City. A significant portion of the SMIA is located along Hunts Point peninsula as shown in the figure ahead.

South Bronx Significant Maritime and Industrial Area, the Bronx



Source: NYS Department of Labor, Quarterly Census of Employment and Wages, 2000 & 2008

The SMIA is home to the city's produce distribution center at Hunts Point, the Fulton Fish Market, and other food distributors. It is located in coastal zone vulnerable to hurricane storm surges, flooding and severe weather associated with climate change.

As of the United States 2000 Census, Hunts Point has a population of over 46,000. In 2008, almost 8,000 people worked in the South Bronx SMIA, primarily in industrial sector, wholesale and retail trade. Apart from the SMIA, there is also a residential core of the hunts point surrounded by the manufacturing zones. Also, the largest park in Hunts Point: the 5-acre Barretto Point Park which offers immense recreational opportunities for the hunts point population is located on the East River waterfront. Other parks in the Hunts Point including Hunts Point Riverside Park, THE POINTS Riverside Campus for Arts and The Environment and Hunts Point Landing are also located along the waterfront. These parks are also enclosed by the South Bronx SMIA. Thus, in addition to the employed population in SMIA, the residential population and the park visitors are vulnerable to the climate change risks in SMIA's. The storm surges and the sea level rise will lead to flooding and expose this population to toxic substances.

One such example of a toxic exposure risk is from the active chemical bulk & major oil storage facilities (regulated by the NYS DEC). These facilities store hazardous substances or have the capacity to store 400,000 gallons or more of oil. 18 such facilities are located within a half-mile distance of the SBx. SMIA and are vulnerable to storm surges. In event of a storm surge, a detrimental health hazard can occur. For example, one of these facilities have a petroleum bulk station and terminal where naphthalene has been documented, which is a possible human carcinogen that can be absorbed through the skin damaging vision, kidneys and the liver. Thousands of people in Hunts Point will be exposed to this risk. Also, according to the NYC Department of Health and Mental Hygiene's Community Health Survey, the SBx. SMIA represents some of

the highest levels of uninsured population - which means limited access to health insurance (and health care) if the population is exposed to toxic substances.

The Point CDC urges the City to fully address the contamination exposure risks associated with clusters of heavy industrial uses in these vulnerable coastal locations. WRP reform should:

1. Require risk assessment to climate change impacts in planning / design of all projects on the coastal zone
 - i. When evaluating the consistency of projects in the coastal zone (such as siting of industrial uses; new residential & commercial development; infrastructure projects; and Brownfield remediation) require that a qualified architect or engineer conduct a formal risk assessment to evaluate vulnerability to storm surge, flooding, and sea level rise using current and best available science-based projections, and potential exposure to humans and the environment of chemicals / hazardous materials during extreme weather events; and
 - ii. Unless proven infeasible, mitigate threats identified in the risks assessment using best management practices, industrial pollution prevention, and sustainable development best practices.
2. Mandate safe & responsible use of hazardous materials and toxic chemicals
 - i. Require an adequate plan for pollution prevention, good housekeeping and control of hazardous wastes, toxic pollutants, and substances hazardous to the environment for any facility, not just handling, but transferring and storing these substances -- that considers the impacts of projected climate change such as storm surge, flooding, high winds and flooding and sea level rise; and
 - ii. Risk assessments must address the threats posed by the synergistic effects of chemical mixtures. The city should develop guidelines to assess these risks and help businesses incorporate these guidelines.
3. Protect local industrial jobs and businesses
 - i. Provide a clear definition for “underutilized / underused land” in the working waterfront; and
 - ii. Discourage discretionary actions in the SMIA’s that reduce land zoned for manufacturing and introduce nonindustrial, non-water-dependent uses.
4. Protect & restore wetlands
 - i. “Ecological Significant Maritime and Industrial Areas” (ESMIA) protections are limited to Staten Island - WRP should protect other ecologically sensitive areas located inside or immediately adjacent to the South Bronx, Sunset Park and Newtown Creek SMIA’s, where Special Natural Waterfront Areas (SNWAs) or Recognized Ecological Complexes (RECs) have been identified.
5. Require waterfront public access, unless proven infeasible and unsafe, in the SMIA’s and ESMIA’s

Thank you for your time and careful consideration.

Respectfully,
Kellie Terry
Executive Director

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: TEVVA ASH CROFT

Address: 222 E. 93rd St

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 934 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Paul Philips

Address: _____

I represent: DCP

Address: 22 Randa St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 934 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Carol Samal

Address: _____

I represent: DCP

Address: 22 Randa St

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 921 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: CHRIS HOLME

Address: _____

I represent: CITY PLANNING

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 921 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: HOWARD SLATEIN 921

Address: _____

I represent: CITY PLANNING

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 921 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: JERILYN PERINE

Address: _____

I represent: CITIZENS HOUSING + PLANNING COUNCIL

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 921 Res. No. _____

in favor in opposition

Date: 9/21/13

(PLEASE PRINT)

Name: JOSEPH PUPELLO

Address: _____

I represent: ZONING NEW YORK

Address: _____

WRP

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 922 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Michael Marrella

Address: 22 Reade St.

I represent: Dept. of City Planning

Address: _____

WRP

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 922 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Jessica Fair

Address: 22 Reade St

I represent: Dept of City Planning

Address: 22 Reade St, NY NY

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 922 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Roland Lewis

Address: _____

I represent: Metropolitan Waterfront Alliance

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 922 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ed Kelly

Address: _____

I represent: Maritime Association of NY/NJ Harbor

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

902

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: HOWARD L. VOTOFREKY

Address: 345 E. 93RD ST.

I represent: MYSELF & ALL TOWNSHIP RAYBOR

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. WRP 922 Res. No. _____

in favor in opposition

Date: 09/30/2013

(PLEASE PRINT)

Name: Eddie Bautista

Address: 166a 22nd Street, Brooklyn 11232

I represent: NYC Environmental Justice Alliance

Address: same as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. WRP 922 Res. No. _____

in favor in opposition

Date: 09/30/2013

(PLEASE PRINT)

Name: Ivan Camilo Osorio

Address: 166a 22nd Street, Brooklyn 11232

I represent: NYC Environmental Justice Alliance

Address: same as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. WRP 922 Res. No. _____

in favor in opposition

Date: 09/30/2013

(PLEASE PRINT)

Name: Eva Hanhardt

Address: ~~166a 22nd Street, Brooklyn 11232~~ 61 St James Place, Brooklyn, NY

I represent: Perth Institute

Address: same as above

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. WRP 922 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Anusha Venkataraman

Address: 211 S. 4th St. Brooklyn NY 11211

I represent: El Puente / NYC Environmental Justice Alliance

Address: Same as above

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 922 WRP Res. No. _____

in favor in opposition

Date: 9/30/2013

(PLEASE PRINT)

Name: PAT PURCELL
KETHIA JOSEPH

Address: 908 BEDFORD AVE APT. 1B

I represent: NYC-EJAA AND SUSTAINABLE SOUTH BRONX

Address: 1231 LAFAYETTE AVENUE, 4FL BRONX, NY, 10474

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 921 Res. No. _____

in favor in opposition

Date: 9/30/2013

(PLEASE PRINT)

Name: Lance Jay Brown & Ilysa Azcoff

Address: 536 Levee Rd Pl

I represent: American Institute of Architects NY - Design for Risk and Reconstruction Unit

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 122 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Nigel Tee Kasingh

Address: 25-78 36th Street #34 Astoria, NY 11103

I represent: We Stay / Nos Quecamos

Address: 754 Melrose Ave, Bronx, NY

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THE CITY OF NEW YORK**

Appearance Card

WRP

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: BONNIE A. HARKEN

Address: 784 COLUMBUS AVE, NY, NY 10025

I represent: AMERICAN PLANNING ASSOCIATION,

Address: NY METRO CHAPTER

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Food Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: WILLY ZAMPANO

Address: 60-01 56th RD, MASPOH, NY,

I represent: AIA QUEENS CHAPTER

Address: N/A

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: 09-30-13

(PLEASE PRINT)

Name: DEVON FREDERICKS

Address: 52 EAST 92 ST - NY NY

I represent: WINDWARD SCHOOL

Address: White Plains, NY -

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: 9.30.13

(PLEASE PRINT)

Name: Terry Johnson

Address: 100 Park Ave.

I represent: Carnegie Park Land Holdings

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: 9.30.13

(PLEASE PRINT)

Name: Gary Handel

Address: 150 Varick St

I represent: Carnegie Park Land Holdings

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: 9.30.13

(PLEASE PRINT)

Name: Steven Whitehouse

Address: _____

I represent: Carnegie Radio and H. H. H. Inc.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

902

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Elisbeth Reimann

Address: 227 East 93rd St, Apt. 3B

I represent: Moscow & Ruppel House resident

Address: same as above

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THE CITY OF NEW YORK**

Appearance Card

902

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: JESSE MASYR

Address: 100 PARK Avenue, NY, NY

I represent: Relistal

Address: 60 Columbus Street

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 922 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MELANIE MEYERS

Address: Fred Frank One New York Plaza

I represent: New Water Street Corp

Address: 55 Water Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 902

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CAROL USIAK

Address: 1779 2nd Ave

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: MARIC SOMERSTEIN

Address: 240 E. 93 STREET NYC 10128

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Gina Switzer

Address: 515 E 72nd St.

I represent: ~~The Windward School~~ / ^{Upper} East side resident

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: LORIE DOYCE

Address: 240 E 93rd

I represent: NY NY #35

Address: NY NY 10128

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: SEPT 30, 2013

(PLEASE PRINT)

Name: John Russell

Address: 40 West Red Oak Ln W.P. NY

I represent: The Windward School

Address: 40 West Red Oak Ln White Plains NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. WRP Res. No. _____

in favor in opposition

Date: 8/30/2013

(PLEASE PRINT)

Name: Jaquim Brito

Address: 166a 22nd Street Brooklyn N.Y. 11232

I represent: UPROSE + NYEJA

Address: 166a 22nd Street Brooklyn, N.Y. 11232

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. WRP 922 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kellie Terry - Sepulveda

Address: 940 Garrison Ave. Bronx NY 10474

I represent: The Point / NYC Environmental Justice Alliance

Address: 166a 22nd St Brooklyn NY 11232

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

902

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 30 Sep 13

(PLEASE PRINT)

Name: DIANA CABRERA

Address: 240 E 93RD ST - 3F 'B'

I represent: Mrs CABRERA

Address: 240 E 93RD St New York NY 10128

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

19620

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: JOHN D. CALCAGNIUS, RA 13

Address: 160-55 CROSS BAY BLVD

I represent: QUEEN AIA CHAPTER 13/14/13

Address: 71-11 MANHATTAN PKWY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

902

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 09-30-2013

(PLEASE PRINT)

Name: SHARON O'CONNELL

Address: 222 E 93rd (32-K) 10/28

I represent: SAVE THE RUPPERT PLAYGROUND

Address: 203/205 E 92nd ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 921 Res. No. _____

in favor in opposition

Date: 9/30/2013

(PLEASE PRINT)

Name: Iliya Azarov

Address: _____

I represent: American Institute of Architects New York

Address: 536 Laguardia Place Chapter

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sylvia Larkin

Address: 240 E. 93rd St Apt 7D NYC

I represent: Ruppert Houses resident

Address: Same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0902 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Oscar Fernandez

Address: 222 East 93rd Street

I represent: Save Ruppert Playground

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0902 Res. No. _____

in favor in opposition

Date: 9.30.13

(PLEASE PRINT)

Name: Howard Goldman

Address: 475 Park Ave. South 10016

I represent: Ruppert House

Address: 222 E 93

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0902 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Gillian Beigelman

Address: 1641 Third Ave 2J

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

902

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/30/2013

(PLEASE PRINT)

Name: Sidney Trubowitz

Address: 1225 Park Ave. Apt. 7C

I represent: myself, my family, the community

Address: 1225 Park /

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0902 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Geoff Croft

Address: 222 East 93rd Street

I represent: NYC PARK Advocates

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0902 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: JUDITH PHILLIPS

Address: 245 E. 93 ST. 26th NY 10128

I represent: My 93st. opposition Ruppert Park

Address: loss to large bldgs.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0902 Res. No. _____

in favor in opposition

Date: 9-30-13

(PLEASE PRINT)

Name: BEUCE FRUMERMAN

Address: 222 E 93rd Street NYC

I represent: Ruppert House

Address: 202 E 93rd Street NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0902 Res. No. _____

in favor in opposition

Date: Sept 30 2013

(PLEASE PRINT)

Name: CATHERINE FRUMERMAN

Address: 222 E. 93RD ST.

I represent: Ruppert House

Address: 222 E. 93rd St.

Please complete this card and return to the Sergeant-at-Arms.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0902 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: Robert Hoffman

Address: 222 E 93rd St #22G NY 10128

I represent: Manhattan Youth Baseball

Address: 31637 Third Ave NY 10128

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: 9.30.13

(PLEASE PRINT)

Name: Devin Fredricks

Address: _____

I represent: Windward School

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 904 Res. No. _____

in favor in opposition

Date: 9.30.13

(PLEASE PRINT)

Name: Jay Russel

Address: _____

I represent: Windward School

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Renee LUKINS +

Address: 1623 3rd Ave

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 902 Res. No. _____

in favor in opposition

Date: 9/30/13

(PLEASE PRINT)

Name: SHIRO BK

Address: 1623 THIRD AVE.

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DIANE STAFFORD

Address: 1779 2 Ave N.Y

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆