

## **Community Board 1, Queens – Board Meeting Minutes**

**December 15, 2020**

Meeting opens with Chairperson, Marie Torniali at 6:30 p.m.

The Chair, Marie Torniali introduced Joy Chen from NYC Department of City Planning.

### **PUBLIC HEARING ITEM:**

#### **The NYC Department of City Planning**

##### **Zoning for Coastal Flood Resiliency (See Presentation Attached)**

Proposed zoning text amendments by Department of City Planning for design and retrofitting of buildings located within flood zones and address grading and shoreline design in waterfront areas.

##### **Informational Links:**

<https://www1.nyc.gov/site/planning/plans/flood-resilience-zoning-text-update/flood-resilience-zoning-text-update.page>

<https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/flood-resiliency-update/project-description.pdf>

Presentation made by Joy Chen, Planner, NYC Department of City Planning, Queens Office.

Ms. Chen started by sharing that the citywide zoning text amendment which entered in public review on October 19, 2020, will allow homeowners, business owners and others to design resilient buildings that are better protected and reduce flood insurance costs. The presentation will summarize the proposal as well as the goals of the proposal. She said it is before the Board for a vote. As you may know close to a million New Yorkers live in the floodplain today, a risk that hurricane Sandy awakened us to 2012. This risk including climate change will increase over time and sea level will rise more frequent and powerful coastal storms are predicted in the future. This presentation will focus on buildings and the guidelines and the rules that pertain to buildings and the way they are designed in order for their design to be more flood resilient in the near future. There are other coastal strategies as well as infrastructure and environmental strategies that go hand in hand with building design. The Zoning for Coastal Flood Resiliency (ZCFR) would make temporary zoning rules that were already adopted post Sandy permanent and these rules can be found in Appendix G of the building code which provides flood resistant construction requirements. The zoning guidelines that the City is putting forth today will help improve rules based on the lessons learned after 2012. The overview of the proposal is in four different parts. The first part will be how to encourage resiliency throughout the current and future floodplains, the second part support long-term resilient design of all building types, the third, allow for adaptation over time, and the fourth part, facilitate future recovery by reducing regulatory obstacles.

**Goal 1: Encourage Resiliency Throughout the Current and Future Floodplains - Where do these rules currently apply?**

She demonstrated in the image of the Rockaways after hurricane Sandy where the rules currently applying but the new rules that are being proposed would expand the applicability of the optional rules so

that the owners throughout the floodplain would be able to proactively incorporate resiliency and see improvements in their buildings.

**Goal 2: Support Long-term Resilient Design of all Building Types**

They would include a Building Envelope, Ground floor Design and Streetscape Design. In terms of the building envelope additional height would continue to be given to allow building owners to meet the requirements set by FEMA. Building code for Flood resistant construction even when these are not required – proposed rule continues to allow building heights measured from the FRCE. Consistent framework for additional building height will also encourage owners from long-term climate change allow for lower insurance costs.

**Goal 3: Allow Adaptation Over Time Through Incremental Retrofits**

The focus here is on buildings and on changes that buildings can make within the floodplain. In terms of mechanical equipment building owners that face regulatory obstacles or cost constraints to make their buildings fully compliant will still have the option to make them more resilient.

**Goal 4: Facilitate Future Recovery by Reducing Regulatory Obstacles**

A series of disaster recovery provisions are also being incorporated through a text amendment. When a disaster occurs, there will now be a road map for planners, decision makers and others in the community together to recover from a disaster. In 2013, the recovery provisions were limited and took certain time frames to be adopted. The proposed rule would allow for recovery provisions to be incorporated into zoning resolution today so they can be preselected post disaster based on their issue and based on timing.

Ms. Joy Chen concluded her presentation. She introduced her colleague Hallah Saleh who joined and said they would be happy to answer questions.

The Chair, Marie Torniali thanked her and introduced the new Queens Borough President, Donovan Richards.

**Donovan Richards, Queens Borough President** – Wished everyone Happy Holidays and greeted Marie Torniali and Florence Koulouris. He stated he is honored to serve this borough and looks forward to the work ahead with the Community Boards. He thanked all the members of the Board. Borough President Richards stated they are going to do a lot of work around civic engagement to make sure that the public is much more aware of what our communities do to serve our community. Certainly, been a challenging time for the borough. He said today he had a call with about every CEO from every hospital in Queens. Just wanted to reassure people that our institutions are much more prepared this time around from when last time the pandemic came there were a lot of learning lessons for each and every one of us. I do want to say we all have to continue to mask-up and socially distance and do what we need to do. Now that obviously the vaccine has come down the pipeline, we are working to make sure that Queens is the front and center. Yesterday was a very proud moment to see the first place in the country administered the vaccine was in Queens. So, we want to make sure as these discussions happen and they start to prioritize who and when they going to start to administer the vaccine that they certainly in equity, being that many of our communities were the epicenter of this pandemic. Lastly, he touched on some of the work we are going to be doing with the city around small businesses and a lot of our small businesses are struggling. A lot of folks who saved up every dollar that they could pinch are on the verge of losing their business and are working with the City to God willing be able to administer a grant program sometime early next year that would go for rent relief to a great degree which is really just a band-aid until we technically get federal assistance. I am hoping that we will be able to work with our congressional delegation and the

Biden Administration with strong package that would enable us to get a good PPE package that would not have as much red tape as the last one that did not serve our communities. I will end also on this; I want everyone to know that we are here to serve if there are any recommendations that you have any critiques of the office. I am a blank slate we are looking at things with fresh eyes and I of course want to give credit to our prior Borough President, Melinda Katz also our Acting Borough President, Sharon Lee who really made this a seamless transition. It is nothing like what is going down in Washington D.C. I can say we hit the ground running and we are ready to serve so I want to thank each and every one of you. Borough President Donovan Richards stated he was willing to take a couple of questions. He said they are here to serve, and they look forward to the work ahead for the entire borough and he thanked everyone for having him this evening.

Chair Torniali thanked him and asked if anyone had questions for the Borough President.

George Alexiou wished him luck.

Borough President Donovan Richards stated that zoning items can be brain draining and that is something they are going to be looking to enhance, they are looking to have someone to break it down prior to the Community Board meeting. He said he was happy that Department of City Planning was making this presentation. He mentioned that he represented the Rockaways, so I understand the waterfront communities, understands the importance of resiliency and sustainability so I look forward to the work ahead so thank Department of City Planning for the work they did on this one as well.

The Borough President and the Chair talked briefly about his participation in a meeting for the near future. He added that he looks forward to the work ahead and to the Town Hall. Borough President Richards wished everyone Happy Holidays and to stay safe.

Chair Torniali turned the meeting over to Elizabeth Erion to further discuss the Zoning for Coastal Flood Resiliency presentation with the Committee.

Elizabeth Erion stated that Gerry Caliendo pointed out some of the conflicts between what is being proposed and what is in the resolution. There was general concern about high density projects that are being proposed along Halletts Point and along the waterfront. It does not make sense whether that is the right thing to do with the flood zones being increased. There was a proposal to expand the waterfront access area, increase it from the existing position land area, protecting the upland portion of the borough. There were questions about evacuation issues and possibility of incentivizing older buildings being retrofitted to accommodate some of these issues. Ms. Erion said the recommendation will be read later when they vote.

The Chair, Marie Torniali asked if anyone had questions regarding the presentation.

Mitchell Waxman asked what the anticipated life span of these alterations to the zoning is as it relates to the NYC Department Resiliency's estimates of where the water will be in 25, 50, 100 years so that this zoning resolution addresses immediate flooding needs. He is asking how long in interval.

Hallah Saleh responded; the zoning will apply as the maps change. In situations where the floodplain starts to expand FEMA and other projects, the zoning will then be applicable to those areas. The proposal itself is not dated; it will change with whatever the maps change over time.

Richard Khuzami stated he just wants to know if we are addressing buildings and structures like this both new and existing. Are we addressing any of the infrastructure basically stuff that may be controlled by Environmental Protection or other agencies? We're talking about the sewage and the all water handling and all these other things. Is any of this addressed within these regulations.

Hallah Saleh responded that this particular proposal is just really looking at the building stock through zoning, other issues with infrastructure improvements, pumping or storm water and sewage all of those other things that you mentioned which are very important to long-term resiliency have to be done through different mechanisms and not through zoning itself. This particular text because it is just a zoning change is really looking at bulk regulations which regulate height or building envelopes and floor area those kinds of measures are really what is in the purview through zoning so that is really just the focus of this particular proposal. We do understand as a department and as a city that there are multiple avenues that have to work together to provide a long-term resiliency plan and there are other agencies within the City that focus on those kinds of treatments.

Antonella Di Saverio she said she remembered Elizabeth Erion brought up a point about density and was wondering if there is a massive flood that were to come in we have so many people and to try to evacuate all those people on the waterfront would be an insurmountable feat I would imagine so I think that's probably something you might want to bring up in your conversations.

Daniel Aliberti asked how these new regulations will interact with the ADA, with Local Law 58. For instance, people with disabilities who use a wheelchair and now the entrance to a building because of the water is going to be on a second floor and all sorts of things. How has that been planned for?

Hallah Saleh responded the current rules have lifts and ramps as obstructions so the proposal is going to allow across all zoning districts city-wide and all building types that any sort of lift or ramp is now a permitted obstruction which means it's allowed to be placed in open areas so that people can go to that elevation. It is actually expanding further and allowing more flexibility in the proposal to allow for lifts and ramps too.

Dan Aliberti it will be allowed but will Local Law 58 mandate it.

Hallah Saleh responded if it is in a floodplain and you have to go through Appendix G those are requirements and then of course everything has to be ADA compliant. Now all we've done is have the zoning match what there won't be anything zoning-wise that is prohibiting these lifts and these ramps from being able to be built and then in the case of any new building it has to meet ADA rules.

Dan Aliberti asked is that Local 58 also.

Kathleen Warnock I was making sure one of the things I'm interested in is that we have heard that the Army Corps of Engineers is doing a long-term study on the flooding areas in the entire New York City coastline. This is a long-term study in which even though they do not use the words climate change they are studying ways to perhaps build some kind of barrier system to keep from flooding. Have you been in contact with them and do you know anything about their forthcoming plans with this project?

Hallah Saleh responded, yes. She said our waterfront and open space division which is in our central office is in constant communication with the Army Corps.

Kathleen Warnock said, that would be extremely useful for all of the waterfront communities in New York City because that's something that can then affect or direct where waterfront plans are going.

Hallah Saleh said absolutely and said their central divisions are in constant communication with the Army Corps and our proposals are generally an alliance with that. The projects that they do serve more as coastal protection which is another component which is really important for long-term resiliency. It goes in line like in tandem together with zoning to work. Zoning doesn't particularly, specifically have capital projects and plans for coastal production so everything in our proposal will not take away from what the Army Corps is doing through their plans.



The Chair asked if anyone else had a question.

Gerry Caliendo mentioned that the new text change would eliminate what is currently prohibited in the front yard which is a platform lift because currently as a permitted obstruction you are only allowed a ramp, you're not allowed a platform lift. He asked if they are suggesting that they are going to incorporate into this text change, that a platform lift will be permitted.

Hallah Saleh responded, the proposal will allow platform lifts and ramps to be permitted obstructions in open areas.

Gerry Caliendo said section 2344 in the zoning resolution dictates what is in what are permitted obstructions, so you're suggesting that section of the law will also be changed.

Hallah responded, yes.

Gerry Caliendo asked where the flood resiliency text will be incorporated into 62 into the waterfront zoning.

Hallah Saleh responded they have the entire annotated text on the website so you can see every section that will be changing and what it's proposed to change, if you would like to look at it line by line. She said she could drop that in the chat for everybody but yes it will be living in 6200 but also throughout the entire resolution so the section that you just mentioned that defines what our permitted obstructions will be updated as well through this text amendment.

Gerry Caliendo stated he mentioned in the Committee was really in relation to the building code so obviously City Planning doesn't dictate the building code but currently when you have an elevated building just to meet the design flood elevation which may be 4-6 feet you usually don't have the elevator going down to the grate. You have it going to the first floor so in order to get to that first where you have to go and take a platform left inside the building and currently the 2014 building code prohibits the platform lift even within the building so how are you going to deal with that to make these buildings first handicapped accessible because you can't put these long ramps within buildings. For every foot you go up you need a 12-foot ramp plus a 5-foot turnaround so it's not practical specially in a small building. How are you going to introduce that or persuade the Building Department to change the building code?

Hallah Saleh, as you mentioned you know zoning does not or the Department of Buildings has the mandating of the building code and you know we have had conversations with them but ultimately there's nothing in zoning and zoning does not prohibit any internal ADA access or lifts within buildings. We have had conversations with the floodplain manager at the Building's Department who says that elevator pits can be within wet floodproof spaces as long as they themselves are dry floodproof and then having certain areas you know in in case of flooding that people can still egress and move out of the building safely so it's really ultimately a DOB issue which I know is not a great answer but there's nothing in our zoning that would eliminate any of those uses. It has a different purpose than our zoning text does so that is really in their purview, in terms of how buildings are built and to what standards zoning.

Gerry Caliendo said, my point was that there is a conflict. They are trying to design buildings in the most efficient way and if you introduce something the Building Department does not coordinate you have a problem and you have inefficient buildings and very often no building that can be built because of that lack of coordination. He is encouraging you to try and lobby for that so that and very often in a zoning resolution there are sections which state up to the Commissioner he could wave things and if you encourage him to wave it can be done and there are many sections in the zoning resolution where it says that.

The Chair asked if anyone else has a question, hearing none, she thanked Joy and Hallah from DCP.

**ELECTED OFFICIALS/REPRESENTATIVES – Announcements:**

Joseph Nocerino, Office of Queens Borough President Donovan Richards

- The new Borough President is the right guy at the right time and he certainly has hit the ground running.
- He is clearly on top of vaccine distribution and small business relief and including last minute brought the Department of Sanitation in a meeting this morning to publicly speak about the snowstorm .
- Wished everyone Happy Holidays

Jessica Schabowski, Office of the Mayor, Bill DeBlasio

- New York City Low-to-Moderate Income (LMI) storefront loan can be used by businesses to restart or continue operations after experiencing challenges from COVID-19. Phase 2 applications started December 14<sup>th</sup>. Small businesses can apply for 0 interest loans up to \$100,000 and the criteria includes that they must employ between 2 to 99 employees and that they must have been in operation since January 2018. More information can be found at: [www.nyc.gov/storefrontloan](http://www.nyc.gov/storefrontloan)
- There is an increase in cases and hospitalizations of COVID-19. There is currently a Department of Health Commissioner’s Order for adults over 65 and people with underlying health conditions advising that they should limit activities outside of their home and avoid public spaces as well as gatherings. New Yorkers in general are advised not to travel this holiday season. They are working with the State on the vaccine distribution plan. The Mayor and the Task Force on Racial Inclusion & Equity outlined the City’s Vaccine Equity Plan and they launched the Vaccine Command Center this Monday. The City will ensure the equitable vaccine distribution to the 27 hardest hit neighborhoods including Queensbridge in Community Board 1.
- Wished everyone a safe holiday season and asked again that nobody travel for the holiday

Ernie Brooks, Office of Congresswoman Carolyn Maloney

- Holiday Greetings from the Congresswoman
- Hopes that the Congress and the Senate can come back with something for Christmas for all the struggling businesses in Astoria and in New York City.
- Tomorrow there is a Western Queens Small Business Association meeting
- The Congresswoman is going to be overseeing Oversight Committees meetings on Thursday morning about the opioid crisis and they’re finally actually getting members of the Sackler family who are going to be there testifying in front of her committee.

Harris Khan, Office of the Comptroller, Scott Springer

- Happy Holidays on behalf of the Comptroller
- They put out their Annual “Making the Grade” report. We roughly spend \$22 billion dollars in contracts the City of New York and this year out of the \$22 billion, only \$1 billion dollars went to minority and women-owned businesses which is not even five percent. They gave the city a grade of C 80, all the city agencies either stayed the same as last year or their grades declined.
- There will be a snowstorm and as you know with all these snow events there is a likelihood of power, heat, hot water issues. Please let them know if anyone in your community needs help.

Taiquan Coleman, Office of Senator Jessica Ramos

- Reminding all that their team is still available everyday Monday through Friday from 9 am to 5 pm, their number is: 718-205-3881

- Friday, December 18th they are having a toy giveaway at the Lexington School for the deaf
- Wished everyone Happy and Healthy holiday season on behalf of the Senator and the Staff

Dan Brown, Office of the Queens District Attorney, Melinda Katz

- Wished everyone Happy Holidays
- He said he is part of the Community Engagement Team and said he would put his contact information in the chat in case you need to reach out to him or someone in their office.
- Announced they can go to community events if there are any civic groups or organizations, community organizations that would like to invite us to our event we're happy to come out and do some giveaways with you and get the word out about what the DA is doing in the Community.
- Their website is: [www.queensda.org](http://www.queensda.org)
- You can go on their website to find out about important cases that the DA's working on and other information.
- You can call them at: 718-286-6400

Deborah Tharrington, Office of Council Member Van Bramer

- Four years ago there was a Town hall with the Mayor, Council Member Van Bramer and Carol Wilkins the President of the Ravenswood Houses Residents Association were able to get Mayor de Blasio to commit to relocating the Sanitation Depot, it has finally come to fruition and thanks to President Carol Wilkins, the efforts of the Council Member and Community Board 1 Members. They are thankful. The Depot is going to be cited in Council Member Costa Constantinidis' district and this is a big one for Ravenswood and Queensview residents.
- In collaboration with Materials for the Arts the Council Member was able to give away thousands of toys to students of PS 111
- The Council Member co-named 33<sup>rd</sup> Road and 10<sup>th</sup> Street, Noguchi Way. They have 2 more co-naming's that will be coming up: Whitey Ford Way at 34<sup>th</sup> Avenue and 43<sup>rd</sup> Street and George Kaufman Way on 35<sup>th</sup> Avenue and 36<sup>th</sup> Street.
- Last week the City Council voted unanimously to pass Open Culture. Council Member Van Bramer's Bill which will bring artists and cultural organizations out into the streets while traditional venues are still closed due to COVID-19. Starting March 1<sup>st</sup> artists and organizations can apply for permits to put on free and ticketed performances and rehearsals in open streets. The application process will be expedited and administered through SAPO in partnership with DOT if anyone has any questions feel free to contact their office at: 718-383-9566, their Legislative Director, Jack Bernatovicz is handling this. You can either leave a message on his voicemail or you can email him. She will put information on the Chat.
- Enjoy the holidays

## **BUSINESS SESSION:**

### **Adoption November 2020 Minutes**

The Chair asked for a Motion of the November 2020 Minutes with the Amendment that was sent out.

Motioned by Thomas Ryan; Seconded by Louise Bordley

### **Chair Report:**

The Chair, Marie Torniali stated she did not have a report except to caution you to have a safe holiday, stay local, shop local and dine local. The Chair added that you'll be doing yourself a favor as well as for

our small businesses who are really struggling at this time. She wished happy holidays to all and reminded everyone to wear a mask and to stay safe.

### **District Manager Report:**

District Manager, Florence Koulouris greeted everyone. She reported that the Mayor's Office called her this afternoon to report that the gas is back on at Astoria Houses, it is repaired and working today. Ms. Koulouris also reported that she attended the Borough Cabinet Meeting with the Borough President regarding the snow and snow alerts for safety precautions because they're anticipating bad weather for the next couple of days. She asked everyone to stay tuned on radios and televisions, to be aware and safe. The District Manager asked everyone to continue to follow all protocols for the Coronavirus over the holiday season and as Marie said, shop local because we need your money in the district. She wished everyone a wonderful, healthy and safe holiday.

### **Committee Reports:**

Andy Aujla (Subbing for Eric Mouchette), Consumer Affairs Committee – Mr. Aujla asked everyone to review the spreadsheet of the new liquor license applications for the month of December. He reported that they were supposed to have a Consumer Affairs meeting last week but had a last-minute cancellation. The business Crystal Lounge has agreed to come in January and also sign their stipulations and has at least represented to us that they will be making their best efforts to improve their issues with the 114<sup>th</sup>, so we are also recommending approving them for the time being until they come in January, pending any other recommendations at that time. He asked if there are any objections to approving the applications that have been submitted and the stipulations or any questions. Hearing none, he wished everyone a wonderful holiday season.

Rod Townsend, Community and Economic Development Committee – He wished everyone Happy Holidays. Mr. Townsend reported that they did not have a meeting (no report) however, regarding the [www.nyc.gov/storefrontloans](http://www.nyc.gov/storefrontloans), he is going to be generating a letter asking for inclusion of 11105. That zip code was not included in the storefront loan program and believes our Ditmars businesses are in a low to moderate income area. He stated that he cannot understand that exclusion and he will be sending that out and asking for the Committee's support of that. He added, shop locally, our businesses need your help.

Antonella Di Saverio, Environmental Protection Committee – No report, Happy Holidays.

Evie Hantzopoulos, Housing Committee - No report, Happy Holidays everyone.

Elizabeth Erion, Land Use & Zoning Committee – Reported that the Committee had just a few questions about the conflicts, about the densities, about the future rezoning's and there was a recommendation. They carried a motion to recommend a conditional approval and that was written up on page 2 of the report that you received. She asked for a motion on this from the Board and we can take a vote and open up discussions. It was Motioned by Gerry Caliendo; Seconded by Tom Ryan. Ms. Erion stated that the recommendation is to conditionally approve the application for zoning for Coastal Flood Resiliency, see text amendments with the following stipulation; remove the conflicts between in the zoning resolution and proposed amendments regarding the building code and the zoning resolution with the proposed amendments regarding permitted obstructions in required residential yards and open areas for example the handicapped lift issue, the mechanical equipment and multi-family zones. Second to reduce or eliminate restrictions on the first floor uses if area flood risk is mitigated with flood gates sea walls etc. expand the current waterfront access area with beyond existing 40-foot requirement for additional protection to the upland blocks and lastly conduct a rezoning study for CD1 Queens waterfront upland areas in one percent

high risk floodplains to determine appropriate densities. Ms. Erion stated, those are the stipulations. She said there were a lot of the comments that the committee made, it was synthesized into all of this.

Gerry Caliendo said he wanted to be clear it wasn't just the building code conflicts; it was also in other sections of the zoning resolution.

Elizabeth Erion responded, noted, it is amended so it will be removed; the conflicts between the building code and other sections of the zoning resolution with the proposed amendments.

Richard Khuzami said he would like to add a part that they did not vote in the Committee meeting. He thinks it is important to create incentives for existing buildings to meet the resiliency requirements whatever they can do in terms of floor area ratio density, whatever they can do to help that. It is a big positive, it's not just about the new buildings, it's about the existing structures.

Elizabeth Erion said she thinks they have to take a vote whether or not this recommendation should be amended.

Gerry Caliendo said he will make the friendly amendment.

Marie Torniali said that she believes that kind of language does not belong in a text amendment, her personal opinion is that they write a letter or address our point of view to the proper agency but she does not know that it necessarily goes into a text amendment.

Elizabeth Erion said those are their objections to adding this to the amendment, to this recommendation. She stated she is not in favor of it.

Richard Khuzami said it is basically a recommendation of the Board to make sure that such programs exist so that you know that the older structures are taken care of.

Elizabeth Erion said something like this she would put into the letter that goes to the City. Ms. Erion said the Commission is very interested in knowing what we talk about when we are deciding what is going to be in the stipulations, this is something that we were concerned about. She said she does not know if they can, it may be beyond the scope of what they can do but it is something that would go into the letter to the Commission. She asked if he wants to withdraw that as a stipulation.

Daniel Aliberti suggested if it would be stronger if it were part of a stipulation would it send a message to them that we are really interested in.

Elizabeth Erion said she does not think it is strong enough to be a stipulation for a city-wide text amendment.

Daniel Aliberti said if they are mandating people change buildings that are already in existence that could be quite a financial hardship on certain owners.

Richard Khuzami said that was his point.

Daniel Aliberti said he is also thinking that we are representing Astoria. He said we are not representing middle Manhattan where there are huge buildings, we are representing the people here.

Marie Torniali said she does not disagree with the premise but still thinks it belongs in the letter rather than the stipulation, but it is a vote.

Elizabeth Erion said it is subject to vote to add it to the recommendation at this point and suggested taking a vote on adding it.

Marie Torniali said right now we are focused on adding the stipulation of retrofitting the incentivizing retrofitting older homes. She asked who is opposed to putting this as a stipulation.

They took a vote; 11 Opposed.

Dominic Stiller asked for the wording of the stipulation to be reread.

Richard Khuzami said, incentivize retrofitting of existing older structures to make sure that they meet all resiliency requirements as stated in this zoning resolution text amendment.

Elizabeth Erion said they are basically saying we do not approve it unless you agree to these things but for the most part some of these things are taken care of and then some of them do not have anything to do with the study which has really nothing to do with the text amendments themselves. The Commission will address in its report what they can do about that study. They will just say it is not a consideration in the text amendments in approving or disapproving the text amendments. They deal with it in another way but what it does is bring their attention to something that might be bigger than just Board 1, it might be something that other sections in the City need to be looked at. They are already looking at two or three other places that are severely impacted by high tides, but we have issues here that we need to be looked at too.

The Chair said she wanted to confirm they were voting on this new stipulation now and that is what Jeffrey Martin was indicating .

Jeffrey Martin said with Zoom, he wanted to make sure that everybody gets heard .

The Chair, Marie Torniali asked everyone in favor of adding that stipulation regarding retrofitting and the building, the last one mentioned.

They took a roll call vote: **No: 23; Yes: 6**

The Chair, Marie Torniali stated the stipulation failed.

Elizabeth Erion said they have to vote on the recommendation as it was originally read.

Marie Torniali, Chair said the motion is still on the floor as read .

Elizabeth Erion asked for those who are opposed to these text amendments with these stipulations would that be easier.

The Chair, Marie Torniali asked if there is anyone opposed it would probably be easier or would do the role again. She asked Elizabeth Erion to read it again.

Elizabeth Erion read, this is to recommend conditional approval of the application zoning for coastal flood resiliency city-wide text amendments with the following stipulations remove the conflicts between the building code and other zoning resolution sections and with the proposed amendments regarding permitted obstructions in required yards, residential yards and open areas etc. reduce or eliminate restrictions on the first floor uses if area flood risk is mitigated with floodgates sea walls etc. expand the current waterfront access area with be beyond the existing 40-foot requirement for additional protection to

upland blocks and conduct a rezoning study for CD1 waterfront upland areas in the 1% high risk floodplains to determine appropriate densities. She asked if anyone opposed.

Evie Hantzopoulos stated she was Opposed.

Elizabeth Erion said the Motion carries.

Ms. Erion stated that next month's Land Use Committee meeting will not be on the first Wednesday of the month which it usually is, it will be Monday, January 4<sup>th</sup> at 6:30 and we will be having a presentation of the item that was certified yesterday by the City Planning Commission it is for 30-02 Newtown Avenue. It is a proposal; it is the Finkelstein Tire Building at Newtown Avenue and they are proposing a rezoning which I think it is a C44D. The proposal is for an 11-story building, 102 dwelling units and a 99-seat theater in the cellar and first floor to be occupied by the Astoria Performing Arts Center. She said it was certified yesterday. She said the Board will have its public hearing and vote in January on this item. Ms. Erion wished everyone a very good holiday and a better new year.

Kathleen Warnock, Parks, Recreation and Cultural Services Committee – Ms. Warnock reported that the Astoria Performing Arts Center announced that they have a new home at the Secret Theater. At this point they are still offering virtual performing but they also want to return to live performance when it is okay. They have also committed to providing residencies next year to local artists and organizations with a specific focus on new and underrepresented voices facilitating the development of new works of theater, dance, film and music. In addition, we have a couple of grant deadlines coming up. Queens Museum is doing a residency called Year of Uncertainty which has a \$10,000 stipend and there is more about that online. Their deadline is December 21<sup>st</sup>, the Queens Council of the Arts regular 2021 grants for Queens artists applications are open, their deadline is January 24<sup>th</sup> for emergency funds. Playwrights Horizons has just announced it is making emergency funds available for professional theater artists in the five boroughs. There is an online application with the December 20<sup>th</sup> deadline and the Dramatis Guilds Fund is offering emergency funds for playwrights', theater composers and librettists and that is ongoing. She made a shout out to former Community Board Member and Queens Theater Executive Director, Taryn Sacramone who has been elected as the Chair of New York City's cultural institutions group. A lot of people have been talking about the City's plans to shut down the Big Reuse Compost site over under the Queensboro Bridge there is going to be a hearing about that. If you are interested in supporting retaining composting here and also the wonderful lower east side Ecology Center right now if it goes through both of those will be closed down at the end of the year.

Elizabeth Erion asked Kathleen Warnock if yesterday at the Commission's Review Session when the APAC Theater and the Newtown Road Project was being presented one of the Commissioners was aware of the fact that APAC had agreed to relocate.

Kathleen Warnock responded I don't know if it is.

Elizabeth Erion responded we will make sure this is an issue that is brought up when they come.

Evie Hantzopoulos said Mackenzie Farquer typed in the Chat that this is a permanent relocation, they will not be pursuing the entire location so that zoning will not include APAC.

Mitchell Waxman, Transportation Committee – Reported that they had a meeting and they discussed a couple of issues revolving around the 31<sup>st</sup> Avenue Open Streets Program and discussed Astoria Boulevard. He share that they were going to do a field trip but the weather got in the way so he went out and took pictures and worked up a document that had the history of Astoria Boulevard and documented a

series of issues with it. Mr. Waxman said they are going to have conversations with relevant agencies in the new year.

**Old/New Business:**

The Chair asked if any Board Member had any old or new business. Hearing none she moved on.

**PUBLIC SESSION:**

Josephine Andolfi (Mario DiAntoni), Constituents said we want to bring up again about the bike lane on Crescent Street between Newtown Avenue and Hoyt Avenue it is a very narrow block and we want to bring up again about possibly having the DOT come out and reassess it and putting it back to maybe one shared lane as opposed to a protected lane on these two streets. There has been a lot of issues just in terms of traffic and the Police Department pulls people over giving tickets in the morning and just a lot of people speeding on the bicycles. It was residential blocks before this was imposed and we just want to bring it again to your attention. We know Florence had gotten letters from us and we appreciate that she read them, but it just doesn't work. To be very honest it is not even us saying it selfishly it just does not work for these two blocks between the bridge, the hospital they were residential streets.

The Chair, Marie Torniali told them that the letters were forwarded DOT.

Florence Koulouris responded that she has spoken with Mitch Waxman and the Committee. The Committee is going to discuss that area in their January meeting asking DOT to come to the Committee meeting. It was supposed to be discussed in January at the Transportation Committee meeting when DOT was going to attend the meeting.

The Chair told them it will be discussed in January and hopefully we will have an answer whether they will go back and look at that area of Crescent.

Sharon Pope, Community Outreach Director for Bike New York said she wanted to alert everyone that we have begun an initiative called Street Action now in which we work collaboratively with the transportation committees of community boards, New York City DOT and with residents in the community to improve their streets. An example perhaps there is a curb cut that is needed at the end of your block so that the elderly can navigate their movements effectively from the sidewalk to the street bed or someone who's in a wheelchair can navigate safely onto the street bed from the sidewalk. I am a two decade long member of a community board myself and I created this program as a way to bring cyclists, pedestrians and also drivers to look at their streets to improve street activities, street safety for the benefit of all street users because we believe that biking cycling as well as driving or complementary transportation modalities. Please wear your mask, wash your hands often and socially distance. I am available to answer any questions. I will add my information in the Chat.

Maria Zois, Constituent said, I just wanted to make a comment following Sharon. I did speak last time or maybe I should say I yelled because I do like to advocate for the disabled as I am a parent of a 16-year-old. I recently I attended the City Bike Urban Upbound Town Hall that they had and for the second time and it was anything but a Town Hall because none of us were allowed to speak. There was a proposal of 50 docking stations, and we were told we can only put our questions in the Chat. There were 30 questions, 9 regarding the disabled and the elderly were ignored. I have an issue with that, just as I have an issue with the way Crescent Street was planned. It was done during a pandemic, we were told that it was going to be first temporary, then permanent. I have questions just like the person before and please do not go into the Chat and write snide remarks. We are not looking for parking. I want to know, how is an Access-a-Ride going to pick up an elderly person on Crescent Street? How is OPT going to pick up a



disabled? How is a homebound elderly person going to get nurse services or meals delivered? I feel that it is important to look at the needs of the elderly and the disabled in any process that is being planned.

Chris, Constituent said, I actually also wanted to make a comment about the bike lane specifically the idea of taking away protections. I have biked in New York for over a decade and one of the most unsafe places for me personally to have biked is Astoria. I have nearly been hit crossing Northern Boulevard in a bike lane as well as 29<sup>th</sup> Street which was also a bike lane. I have really enjoyed using the Crescent bike lane because it is protected. I have felt much more safe from cars, I am less likely to get doored and a car is less likely to hit me. If they are making a left turn without looking and that happens incredibly frequently. I think that removing the protections on Crescent Street would make me personally feel less safe and I am very positive that that is true for most bikers. I think that looking at a loading zone and sort of taking disabilities into account is a good idea, I strongly believe that removing the protection would be a very bad idea and I imagine that many others feel the same.  
The Chairperson, Marie Torniali asked for a Motion to Adjourn

Motioned by Thomas Ryan; Seconded by Katie Ellman

The Chair wished every one of you a Very Happy New Year. She said she is sure it will be better than this year, we all need to look forward to 2021, onward and upward.

**Meeting Adjourned: 8:30 p.m.**

# **Zoning for Coastal Flood Resiliency**

**Land Use & Zoning Committee Meeting 12/2/2020 CB1 Queens**

**Introduction**

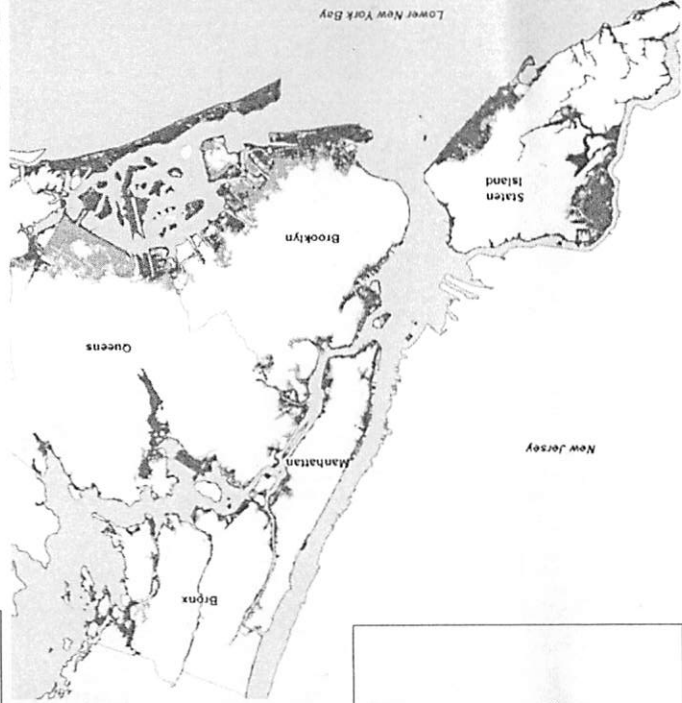
**Overview**

Close to a million New Yorkers live in the floodplain today, a risk that Hurricane Sandy awakened us to in 2012. This risk will increase over time with sea levels rising, and will be exacerbated by more frequent and powerful coastal storms.

434,500 residents → high-risk zones  
+ 348,000 residents → moderate-risk zones

Hurricane Sandy inundated beyond the high-risk zone (~half of lots in the moderate-risk zone)

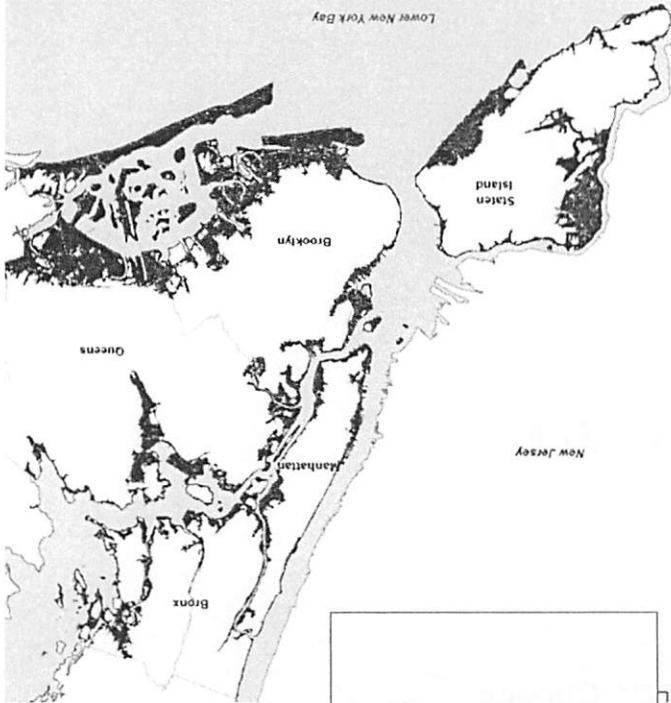
This area will likely become the future high-risk zones



1% annual chance floodplain (FEMA)\*  
0.2% annual chance floodplain (FEMA)\*



Hurricane Sandy Storm Surge



2050s 1% Annual Chance Floodplain (NPCC)

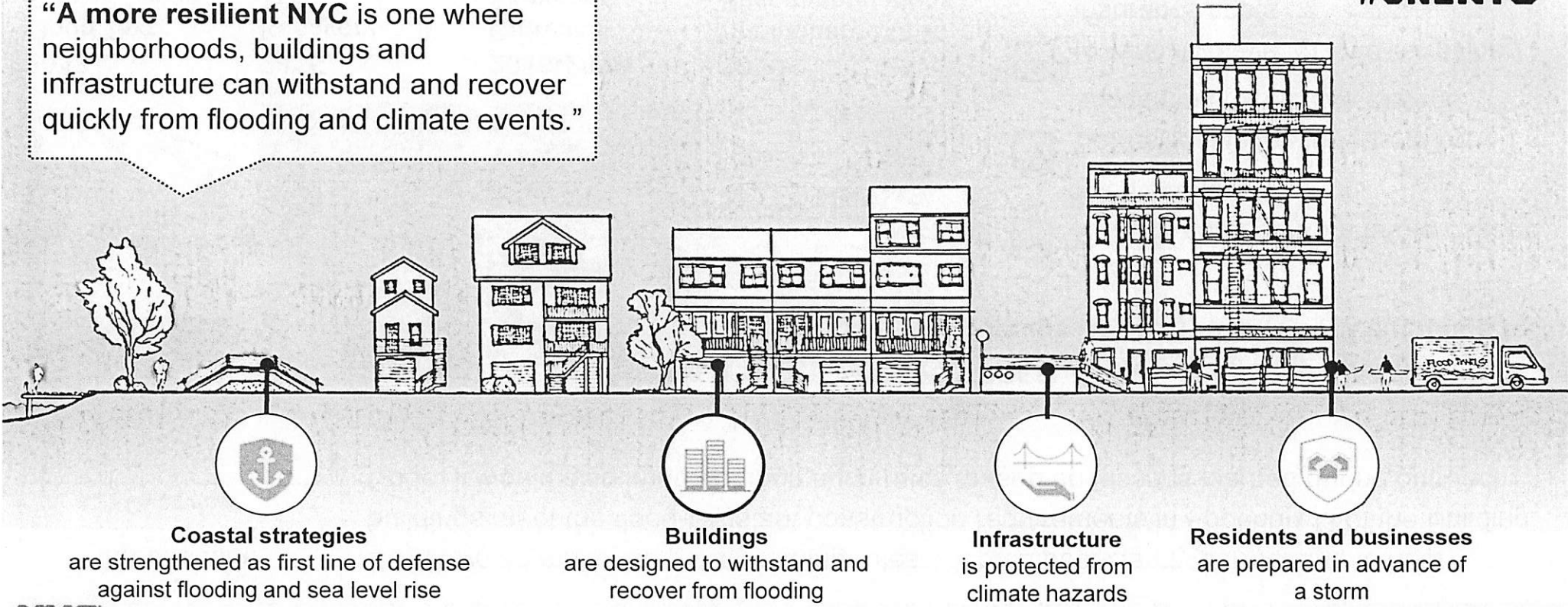
**Introduction**

**Overview**

The City's overall resiliency strategy will involve a multi-tiered, complementary approach. Zoning for Coastal Flood Resiliency (ZCFR) is a central tool in encouraging resilient buildings.

“A more resilient NYC is one where neighborhoods, buildings and infrastructure can withstand and recover quickly from flooding and climate events.”

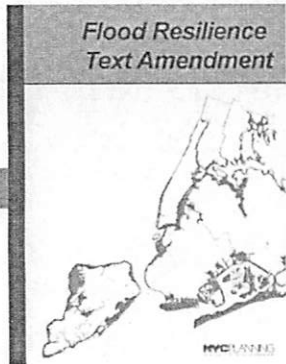
**#ONENYC**



**Introduction**

**Overview**

ZCFR would make temporary zoning rules adopted post-Sandy permanent, to help buildings meet the flood-resistant construction requirements in Appendix G of the Building Code. It would also improve upon such rules, based on lessons learned during outreach.



**2013  
Flood Text**  
*Expires 1 year  
after the adoption  
of the new FIRMs*



**2015  
Recovery  
Text**  
*Expired on  
July 23, 2020*



**2016-2018  
Outreach  
Summary**  
*Released on  
August, 2018*



**2019  
Preliminary ZCFR  
Recommendations**  
*Released on  
May, 2019*

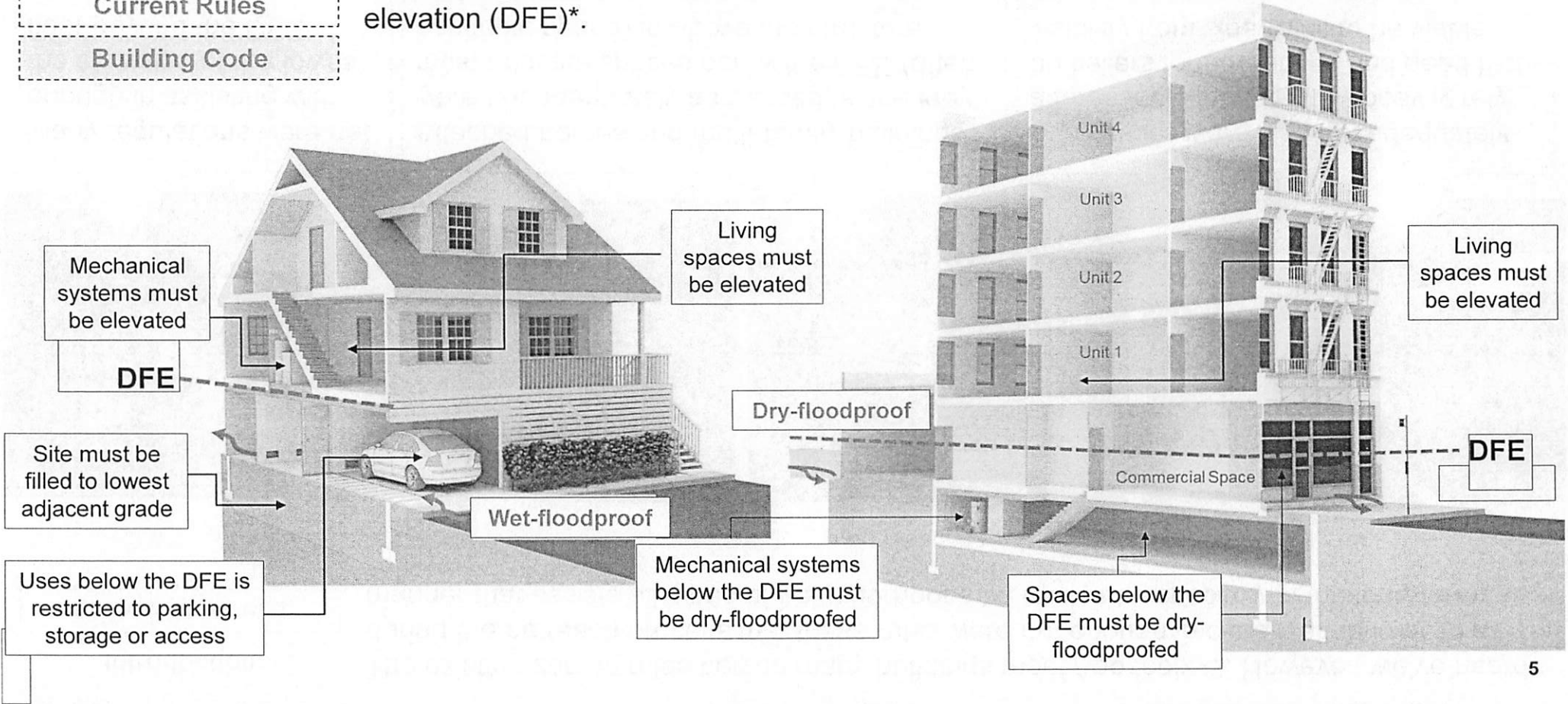
**ZCFR would provide the option to design or otherwise retrofit buildings to:**

- Reduce damage from future coastal flood events
- Be resilient in the long-term by accounting for climate change
- Potentially save on long-term flood insurance costs

**ZCFR would also set a framework for emergency situations—whether they be like Hurricane Sandy, or COVID-19.**

<b>Introduction</b>
<b>Current Rules</b>
<b>Building Code</b>

DOB Appendix G regulations depend upon the building's location in the flood zone, the building's uses, and where these uses are situated in relation to the design flood elevation (DFE)\*.



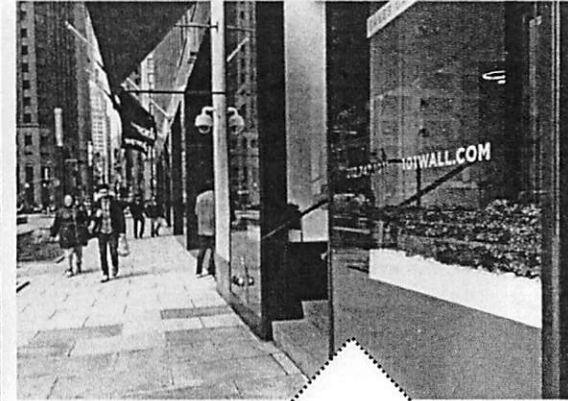
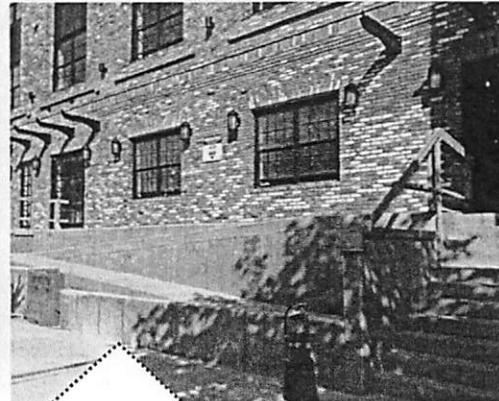
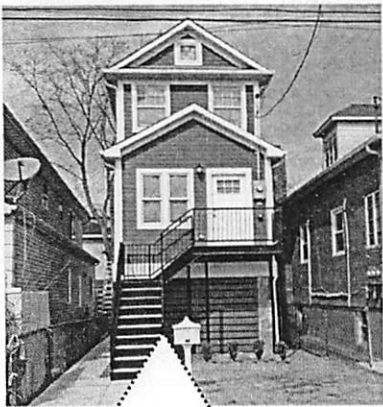
\*the DFE is determined by adding freeboard (additional height for safety established in Appendix G) to the Base Flood Elevation (BFE), which is the elevation to which floodwater is anticipated to rise during a 1% annual chance storm as shown on FEMA's maps.



## Introduction

## Lessons Learned

The existing zoning rules helped many buildings meet Appendix G. However, we've heard during the outreach process that these rules were not enough in certain situations, in a manner that assists all types of neighborhoods be resilient, especially in the long-term.



Many regulations were not enough in assisting with the elevation of the lowest floor beyond the DFE

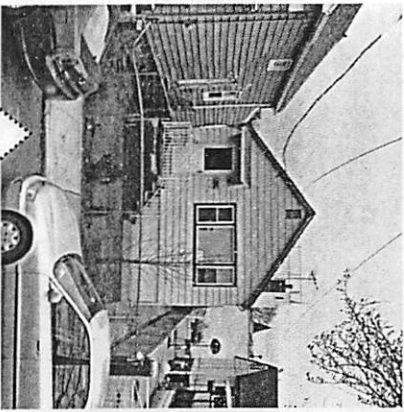
Attached homes and multi-family buildings were not adequately addressed, since they must relocate spaces below the DFE (often habitable space) to above the structure

Businesses were also not adequately addressed either, as they heavily rely on cellars for operations and need high-visibility from sidewalks to be viable

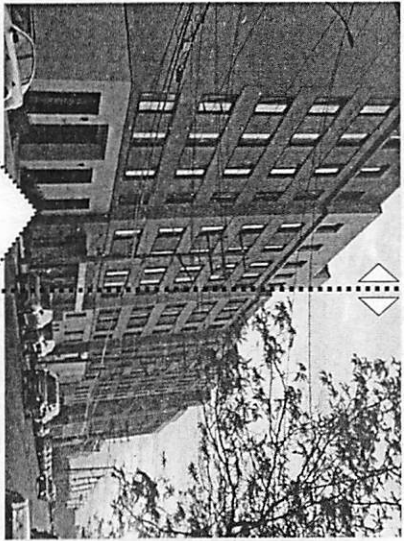
**Introduction**

**Lessons Learned**

The existing zoning rules helped many buildings meet Appendix G. However, we've heard during the outreach process that these rules were not enough in certain situations, in a manner that assists all types of neighborhoods be resilient, especially in the long-term.



Certain older neighborhoods did not get enough relief to also be resiliency



Additional height and floor area exemptions varied by the flood level, leading to unintended outcomes, sometimes even along the same street



Streetscape regulations had inconsistent applicability, particularly in medium- and high-density districts



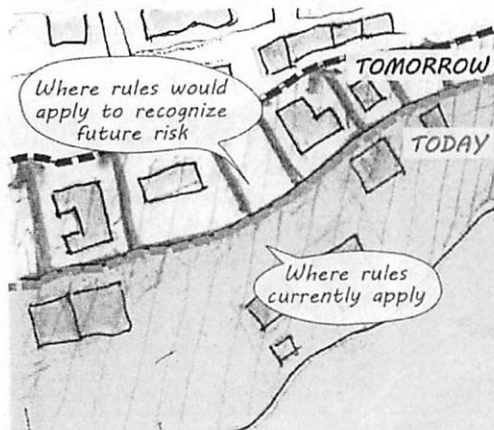
Disasters may take many forms and lead to different types of damage



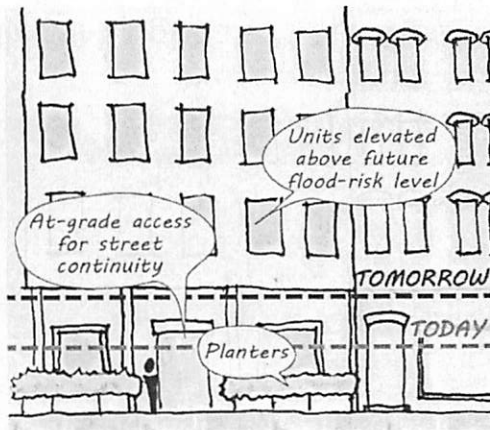
**Proposal**

**Overview**

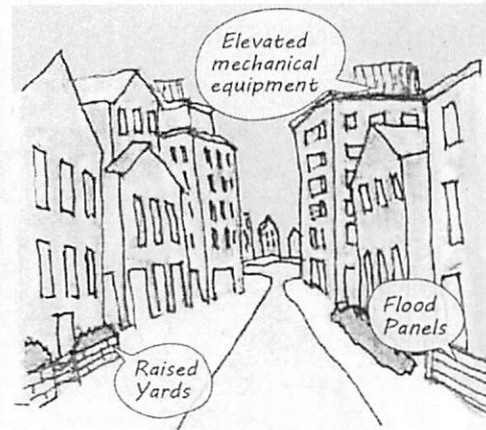
ZCFR would provide permanent relief to floodplain properties, focusing on long-term resiliency by removing impediments for buildings to exceed minimum flood-resistant construction requirements, and by allowing neighborhoods to be adapted over time.



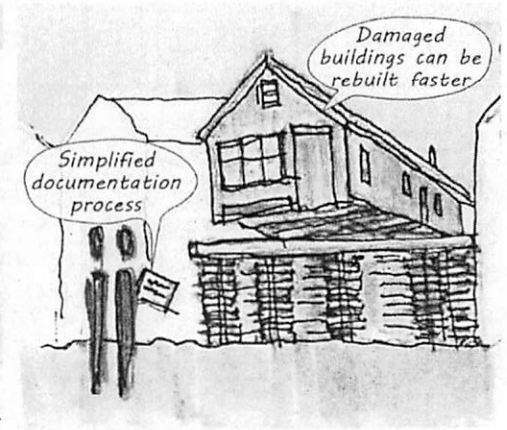
**Encourage resiliency throughout the current and future floodplains**



**Support long-term resilient design of all building types**



**Allow for adaptation over time through incremental retrofits**

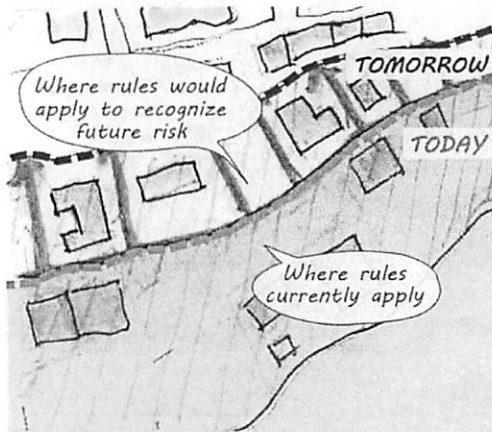


**Facilitate future recovery by reducing regulatory obstacles**

**Proposal**

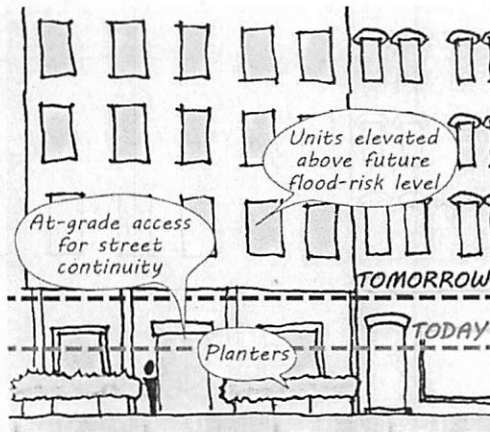
**Overview**

ZCFR would provide permanent relief to floodplain properties, focusing on long-term resiliency by removing impediments for buildings to exceed minimum flood-resistant construction requirements, and by allowing neighborhoods to be adapted over time.



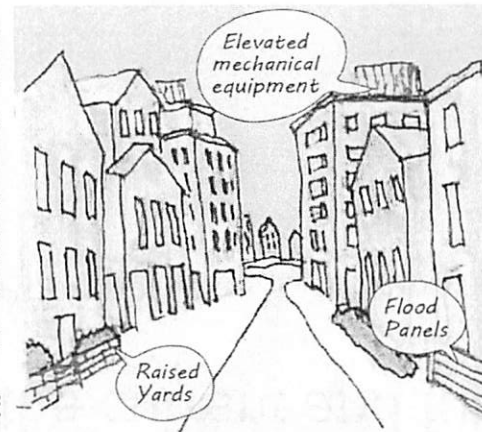
**Encourage resiliency throughout the current and future floodplains**

- Applicability



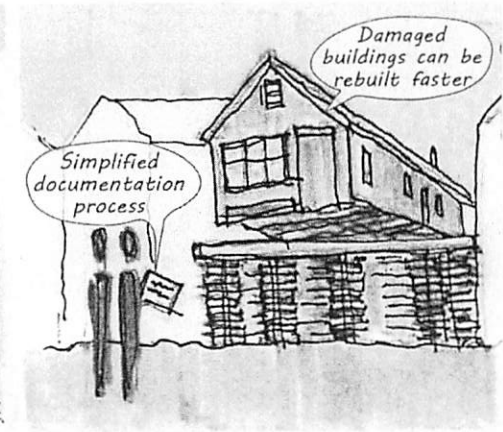
**Support long-term resilient design of all building types**

- Building Envelope
- Ground Floors
- Streetscapes
- Special Conditions
- Discretionary Actions



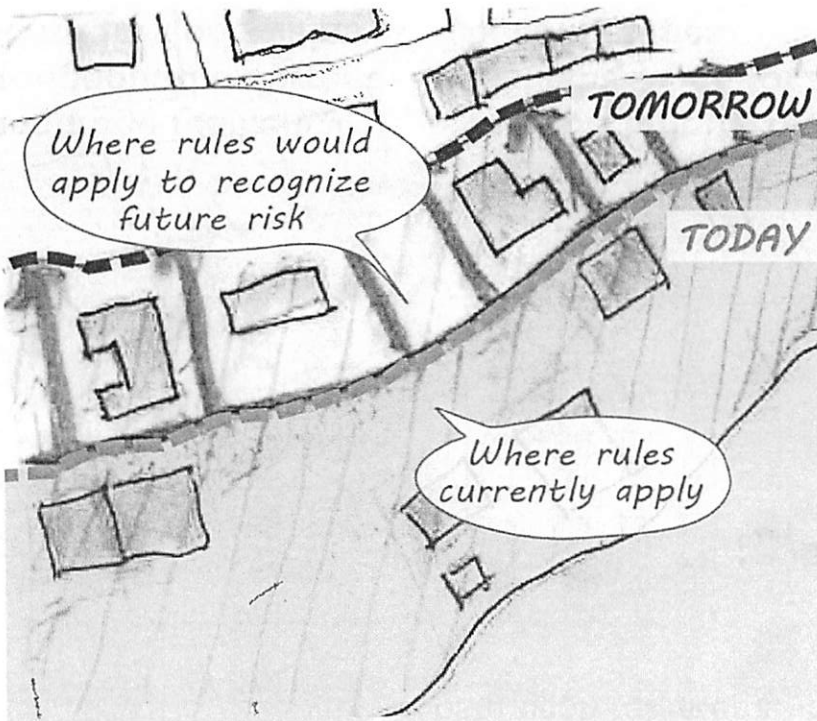
**Allow for adaptation over time through incremental retrofits**

- Mechanical equipment
- Support Spaces
- Flood Protection Measures
- Waterfront Sites



**Facilitate future recovery by reducing regulatory obstacles**

- Power Systems
- Accessibility
- Vulnerable Populations
- Disaster Recovery



## Goal 1

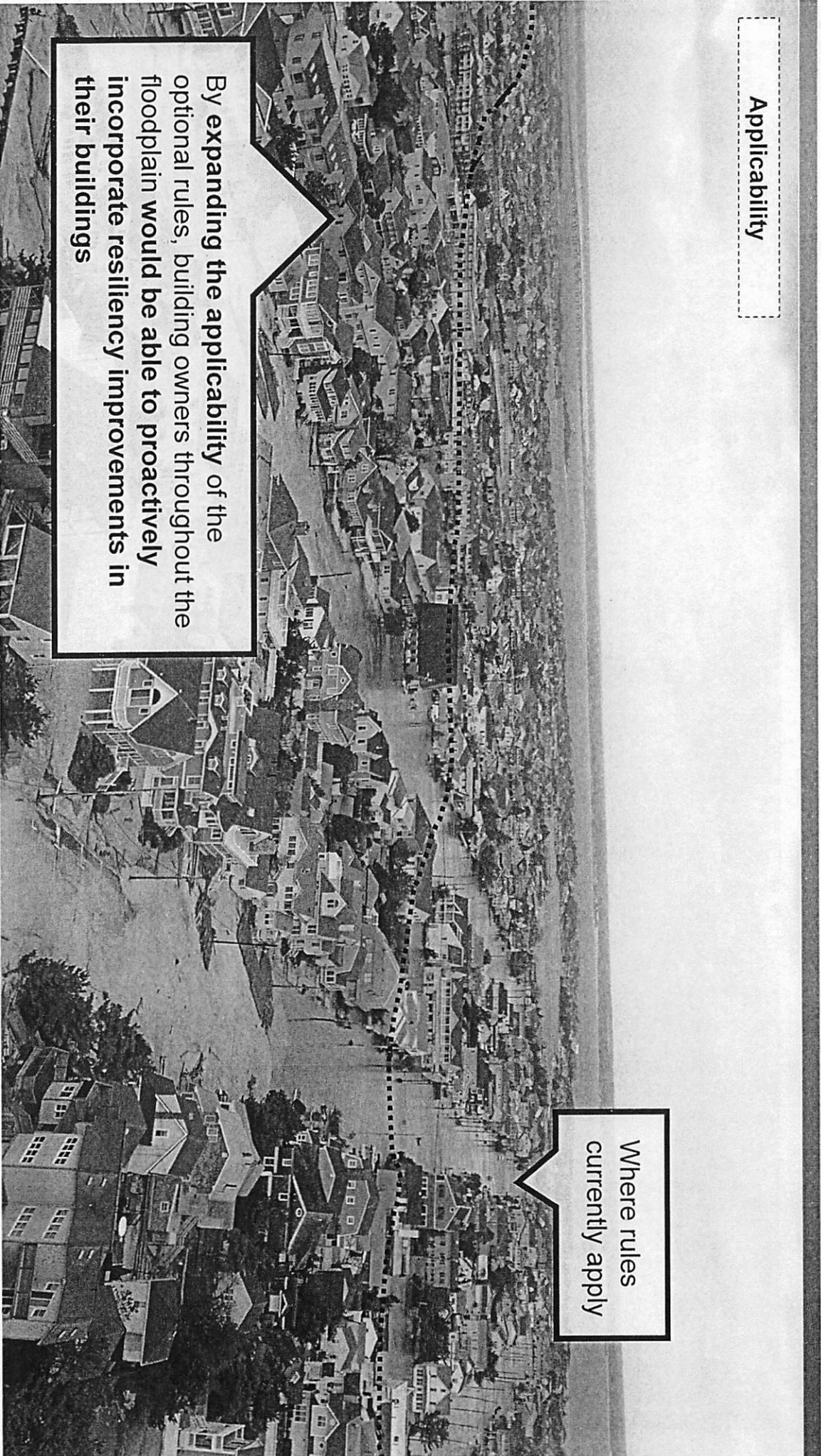
Encourage resiliency throughout the current and future floodplains

Applicability.....

Applicability

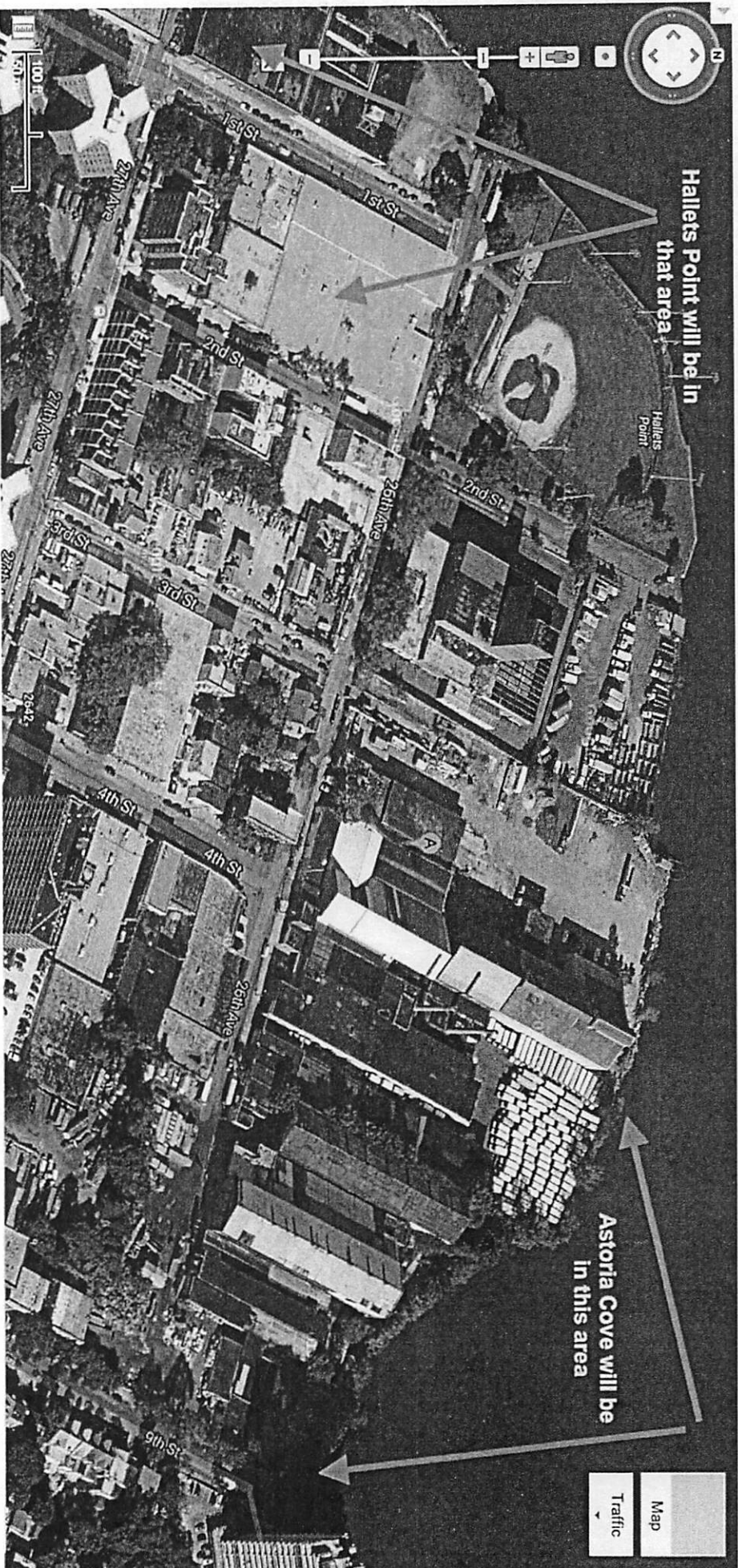
By expanding the applicability of the optional rules, building owners throughout the floodplain would be able to proactively incorporate resiliency improvements in their buildings

Where rules currently apply





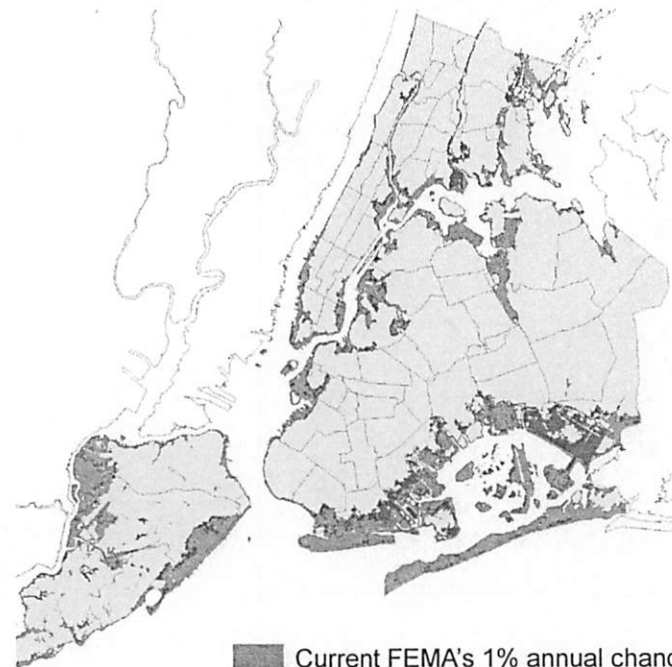
Applicability for all new projects developed on the waterfront



**Applicability**

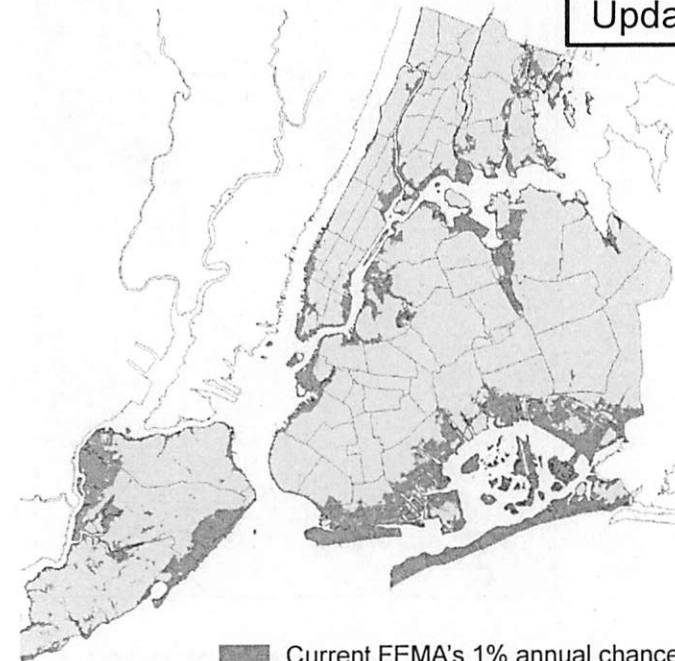
Expanding beyond 1%

By expanding the availability of optional floodplain regulations to beyond the areas at high risk of being flooded, more building owners would be able to design or retrofit their buildings to proactively meet flood-resistant construction standards



■ Current FEMA's 1% annual chance floodplain  
■ Current FEMA's 0.2% annual chance floodplain

**2013 Flood Text:** applies to the 1% annual chance floodplain



■ Current FEMA's 1% annual chance floodplain and Current FEMA's 0.2% annual chance floodplain

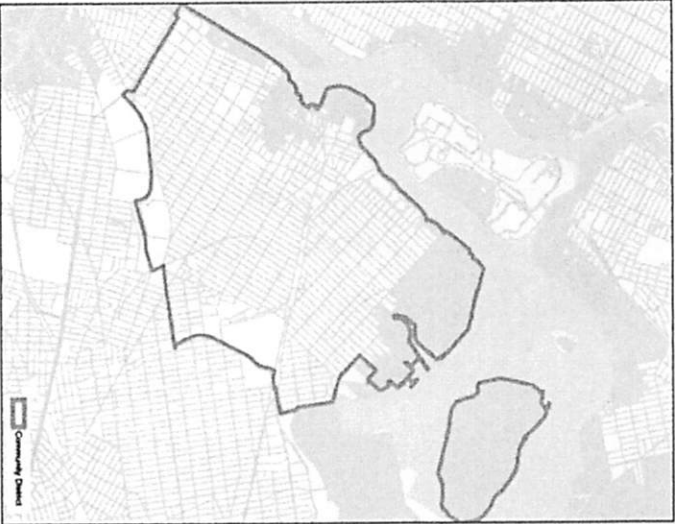
**Proposed Rule:** applies to both the 1% and 0.2% annual chance floodplains

Applicability

Expanding Beyond 1%

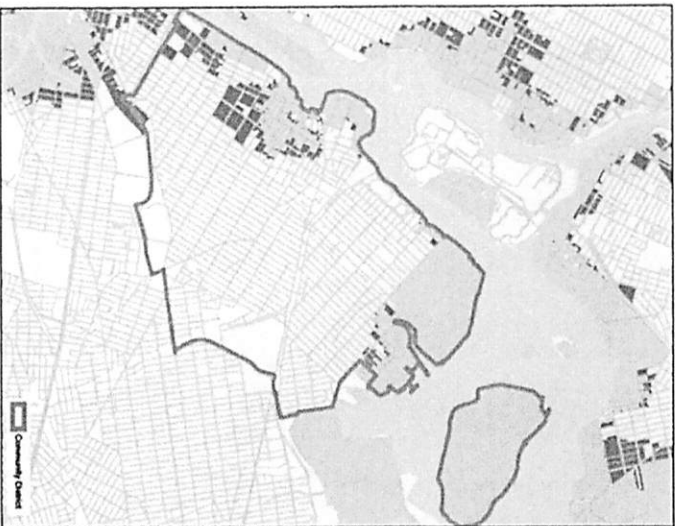
# Applicability in Queens CB 1

Existing FT1 Optional Rules



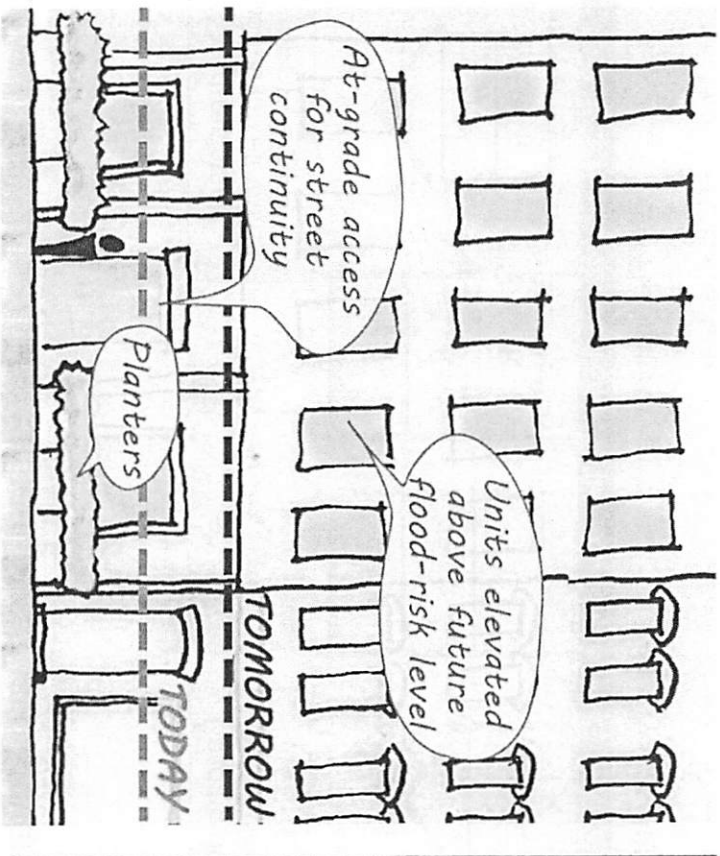
Rules available for buildings within the 1% floodplain

Proposed Optional Rules



Rules available for lots within the 1% floodplain

Rules available for lots within the 0.2% floodplain



## Goal 2

Support long-term resilient design of all building types

Building Envelope.....

Ground Floors.....

Streetscapes.....

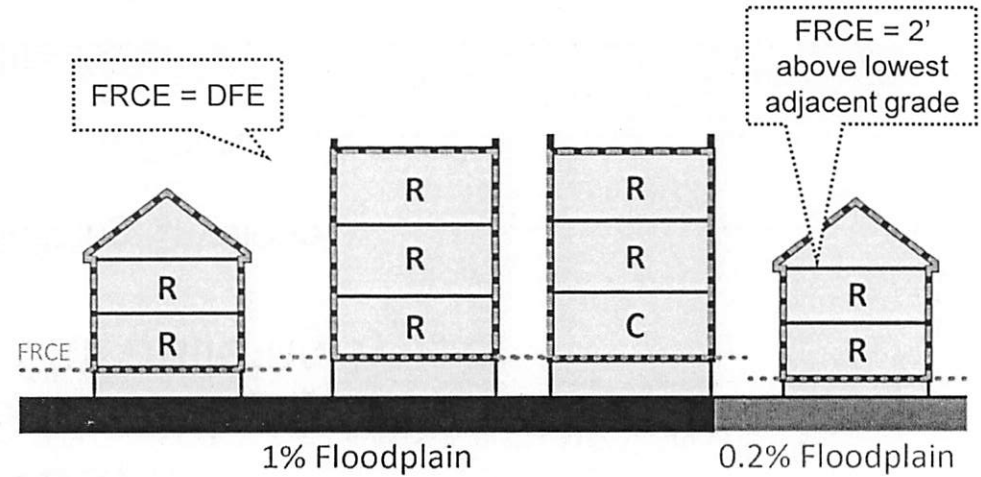
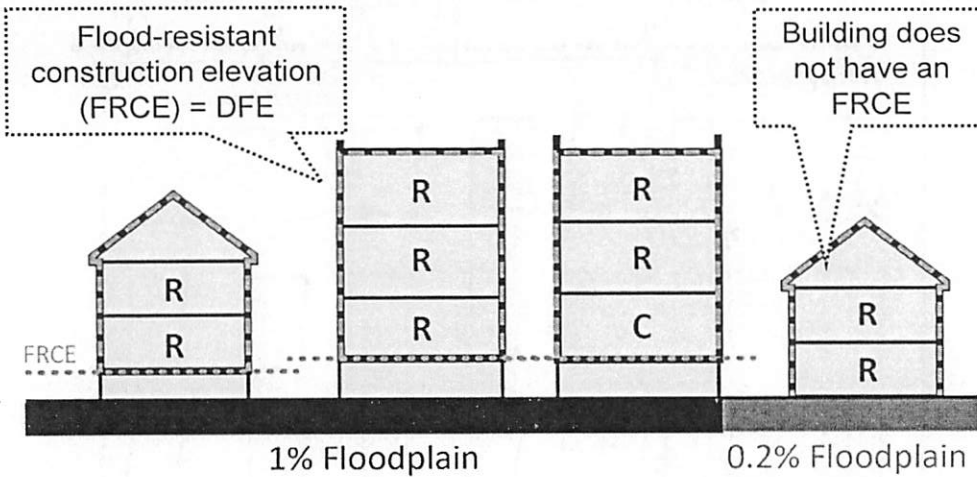


**Building Envelope**

FRCE

Additional height would continue to be given to allow building owners to meet the requirements set by FEMA and Appendix G of NYC's Building Code for flood-resistant construction, even when these are not required.

Updated Item



**2013 Flood Text:** allows building height to be measured from the FRCE

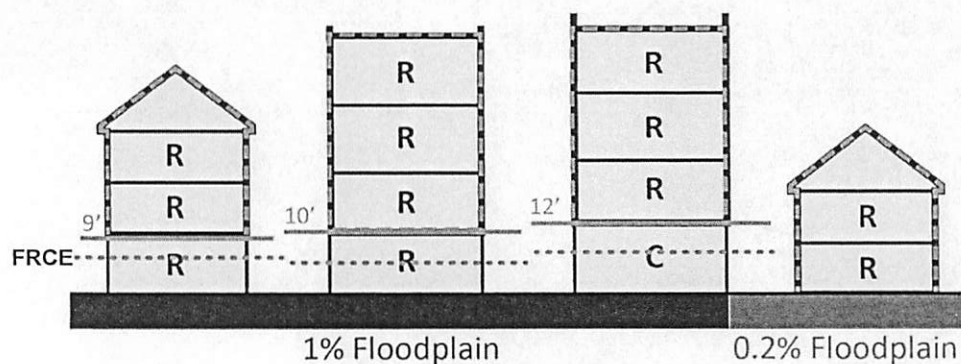
**Proposed Rule:** continues to allow building height to be measured from the FRCE

**Building Envelope**

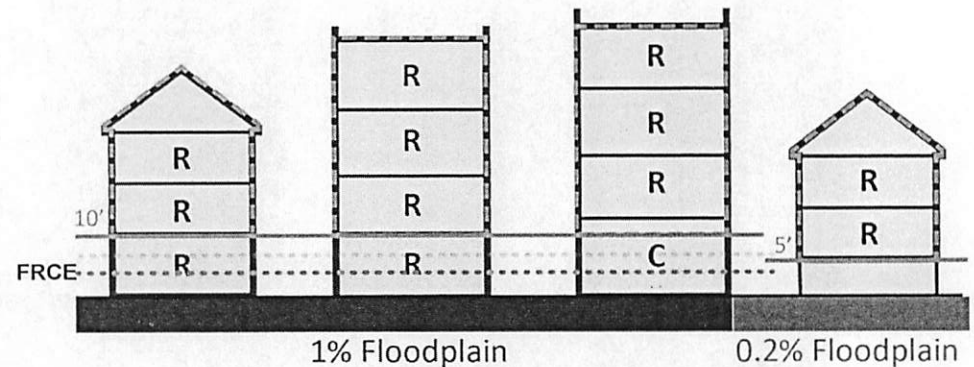
Reference Plane

A consistent framework for additional building height would encourage building owners to address long-term climate change, and allow for lower insurance costs and usable spaces at grade.

Updated Item



**2013 Flood Text:** allows building height to be measured from a reference plane located at 9', 10' or 12' depending on the building's use and zoning district



**Proposed Rule:** allows building height to be measured from a Reference Plane located at **max 10' or 5' above grade** (in the 1% and 0.2% floodplains, respectively)

Ground Floors

Ground-floor regulations would incentivize the floodproofing of ground floors, encourage active uses to be kept at the street level and promote internal building access

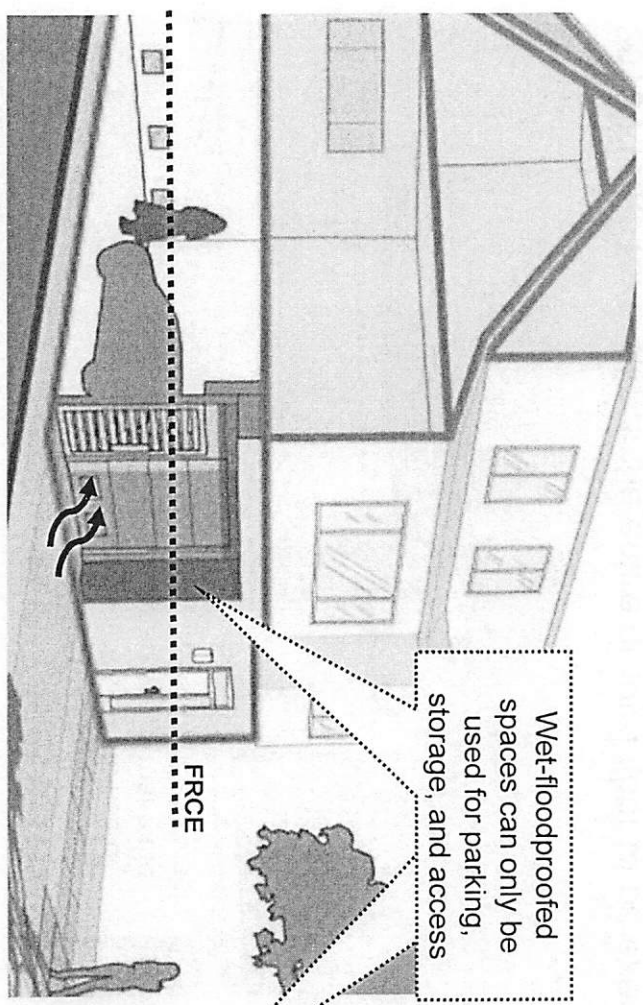


Internal access is provided & the ground-floor is floodproofed

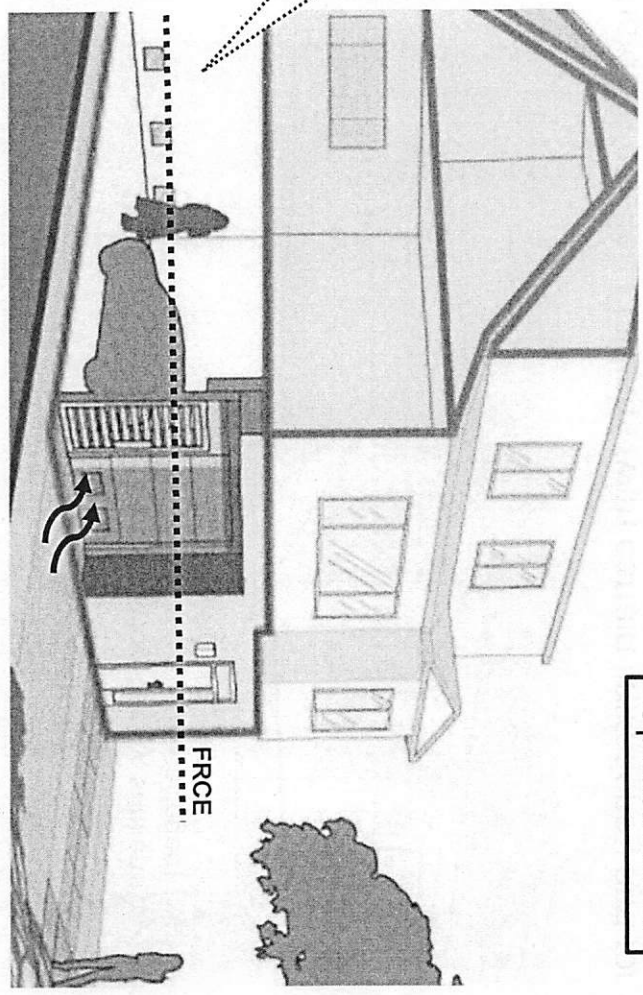


**Ground Floors**  
**Wet-floodproofed Spaces**

A more consistent floor area exemption for wet-floodproofed spaces in all buildings would help promote long-term resiliency improvements and useful ground floors.



**Updated Item**

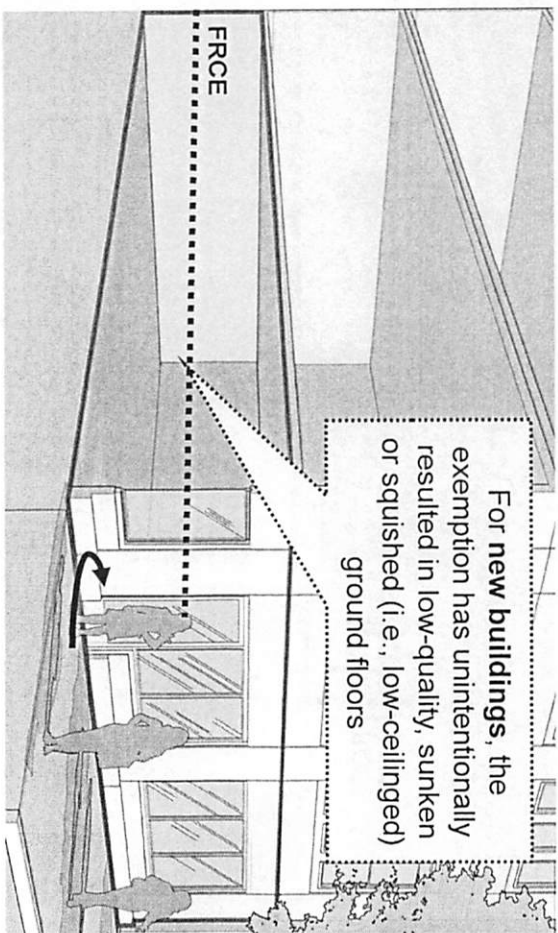
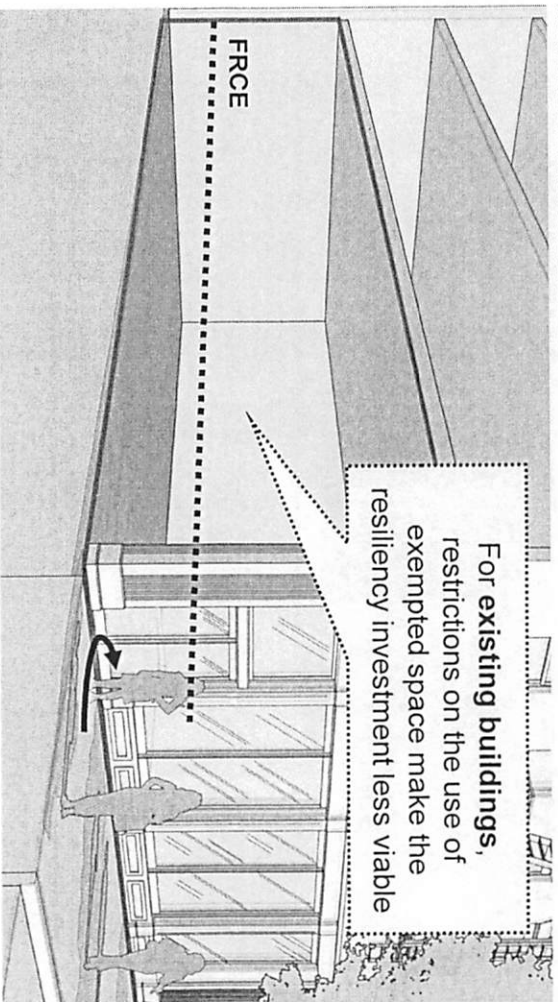


**2013 Flood Text:** allows existing buildings to exempt wet-floodproofed spaces from floor area

**Proposed Rule:** allows new and existing buildings to exempt wet-floodproofed spaces from floor area

**Ground Floors**  
Dry-floodproofed  
Spaces

A floor area exemption for dry-floodproofed spaces along the retail corridors would encourage active uses to be kept at the street level, promoting a safe and lively pedestrian environment.

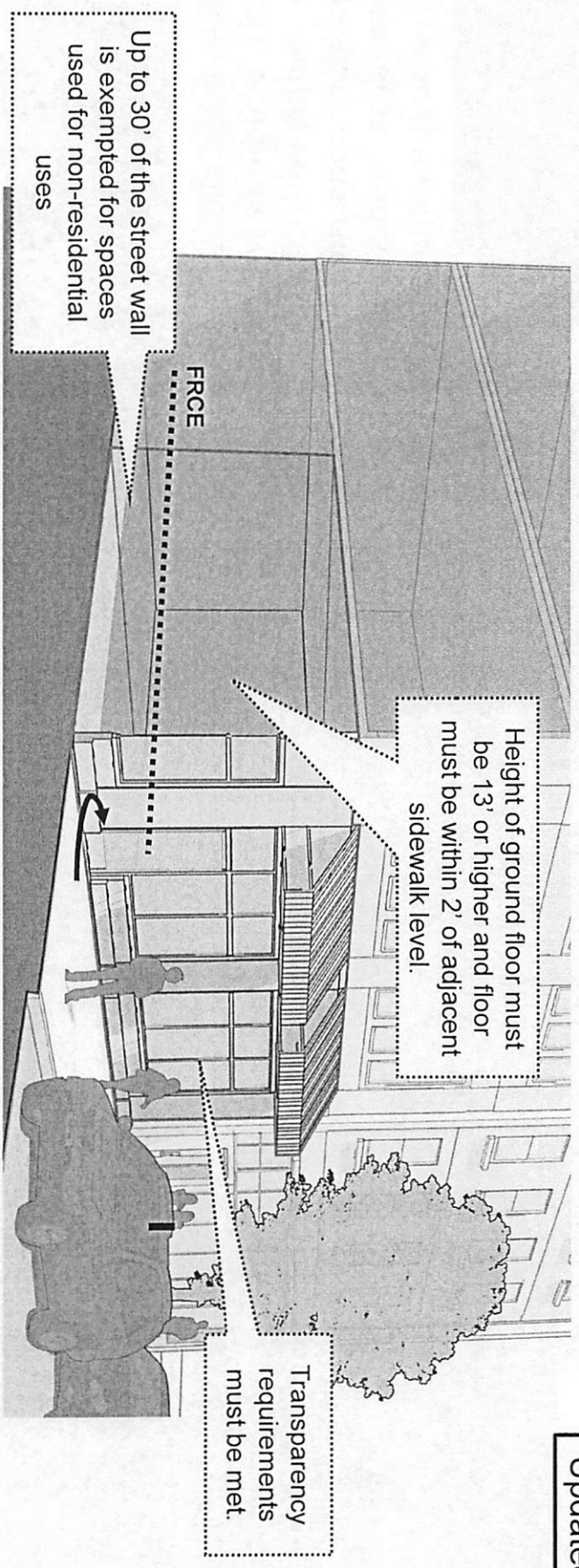


**2013 Flood Text:** allows the entire ground floor to be exempted in existing buildings (with certain limitations), and for new buildings, only cellar space is exempted (as measured from the FRCE, not the base plane)

Ground Floors  
Dry-floodproofed  
Spaces

A floor area exemption for dry-floodproofed spaces along the retail corridors would encourage active uses to be kept at the street level, promoting a safe and lively pedestrian environment.

Updated Item

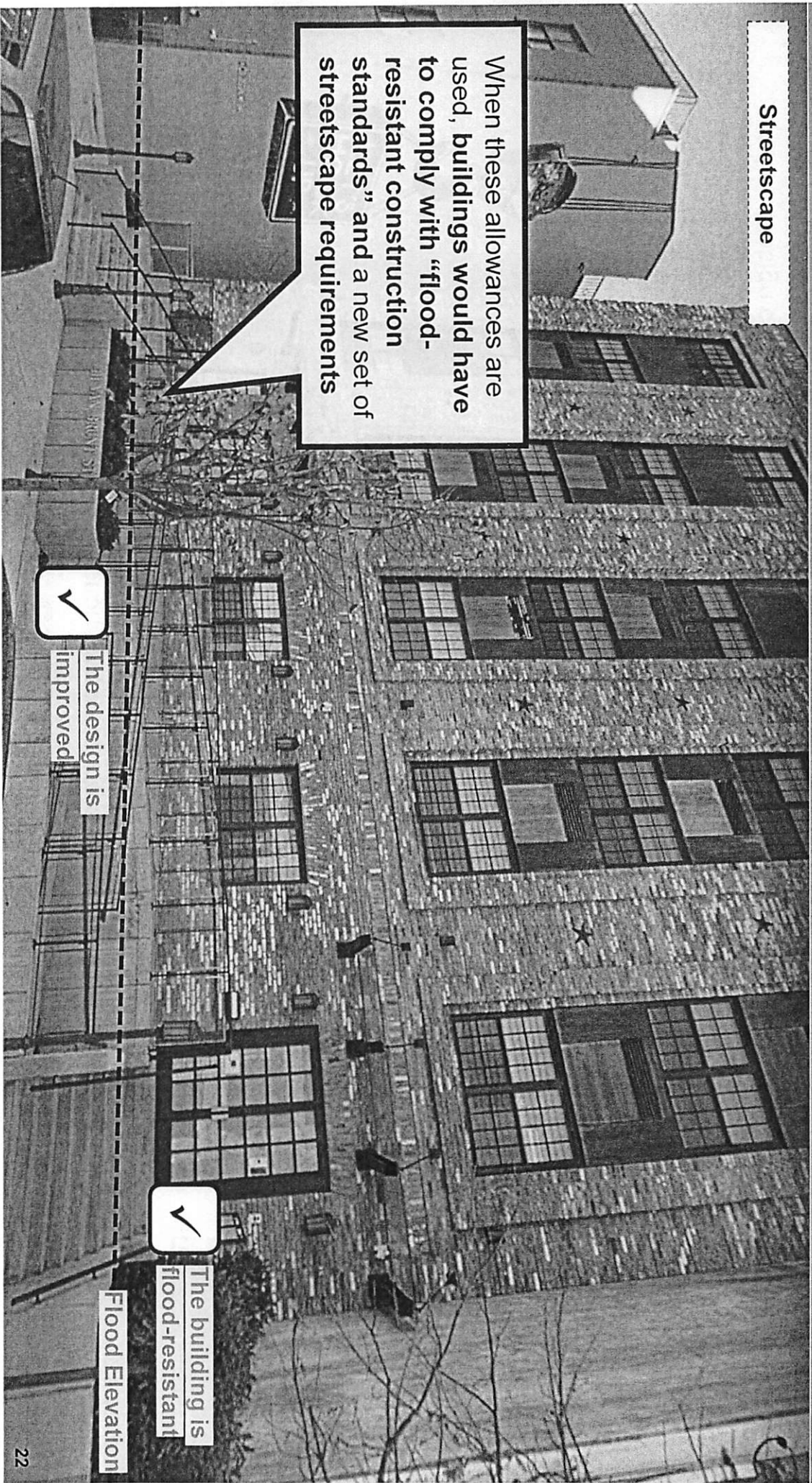


**Proposed Rule:** allows a portion of the ground-floor to be exempted without regard to the FRCE level for new and existing buildings, provided that certain design conditions are met (spaces will not be considered “cellars”)



Streetscape

When these allowances are used, buildings would have to comply with “flood-resistant construction standards” and a new set of streetscape requirements



The design is improved



The building is flood-resistant  
Flood Elevation

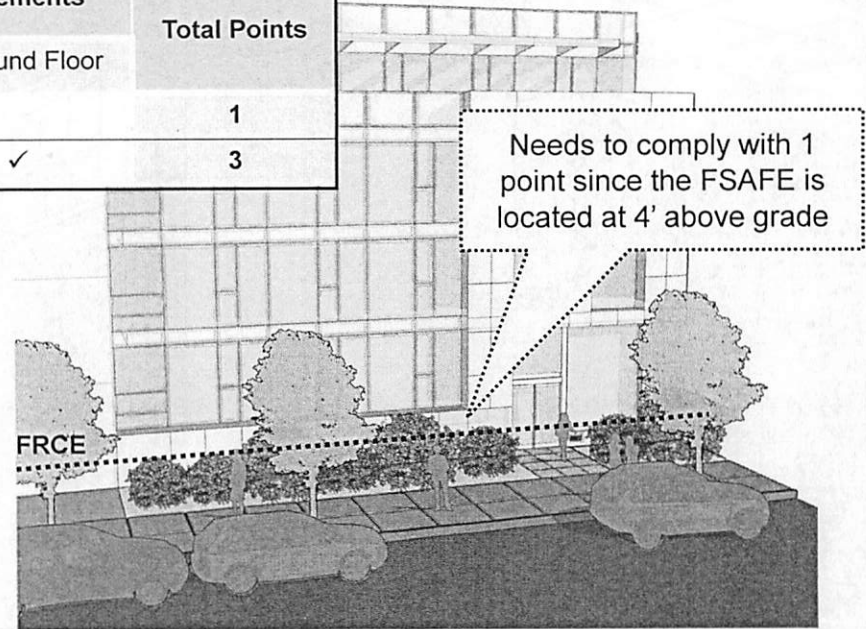
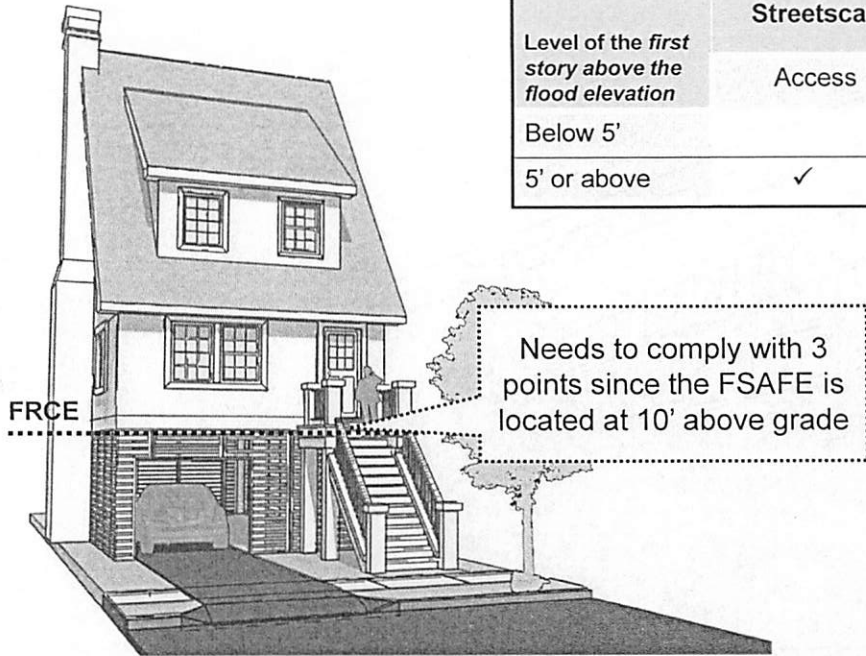
**Streetscape**  
**Point System**

More consistent streetscape requirements and greater design options will ensure that buildings contribute to their surroundings while reflecting the variety of neighborhoods in the floodplain.

Updated Item

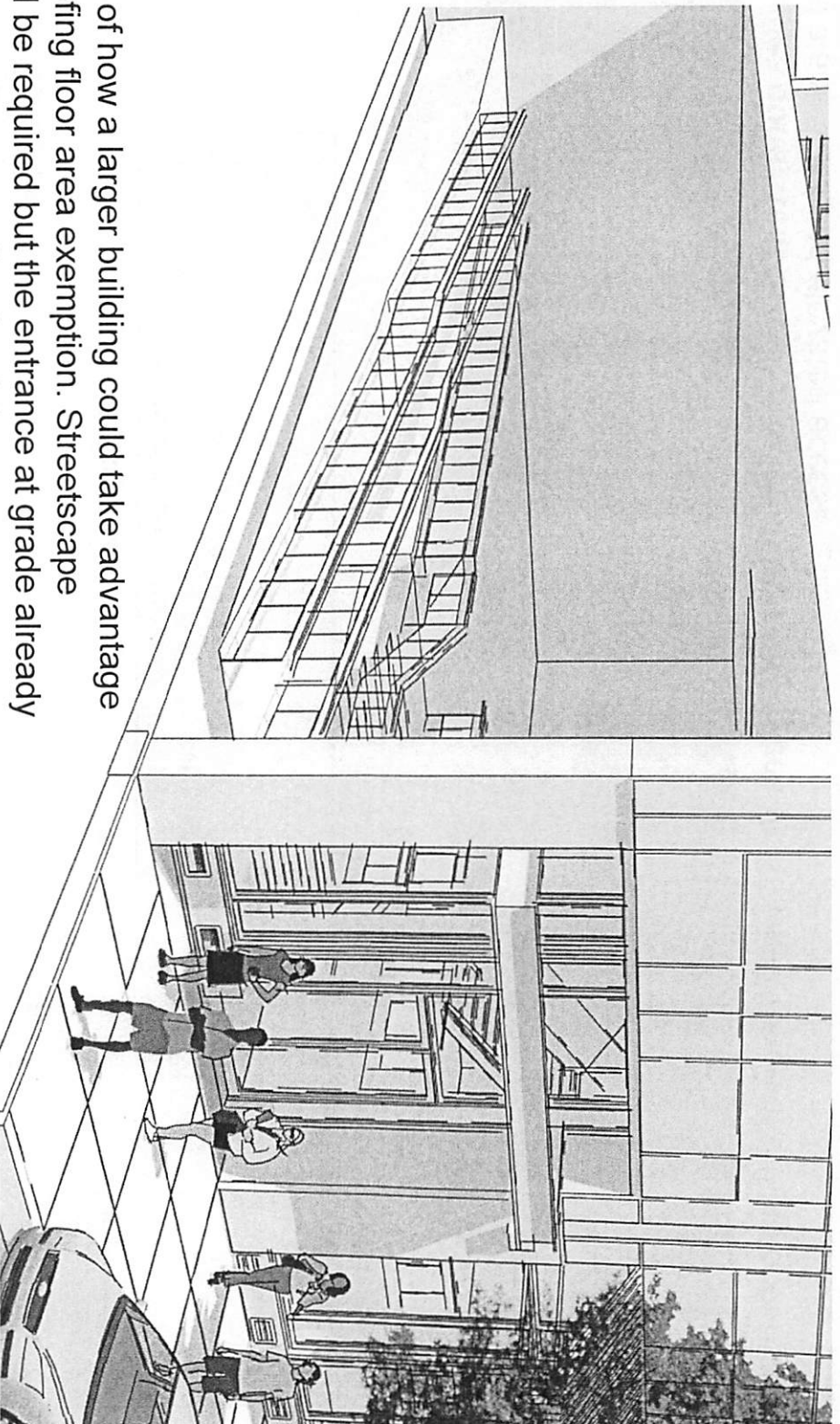
**All Buildings**

Level of the <i>first story above the flood elevation</i>	Streetscape Requirements		Total Points
	Access	Ground Floor	
Below 5'			1
5' or above	✓	✓	3

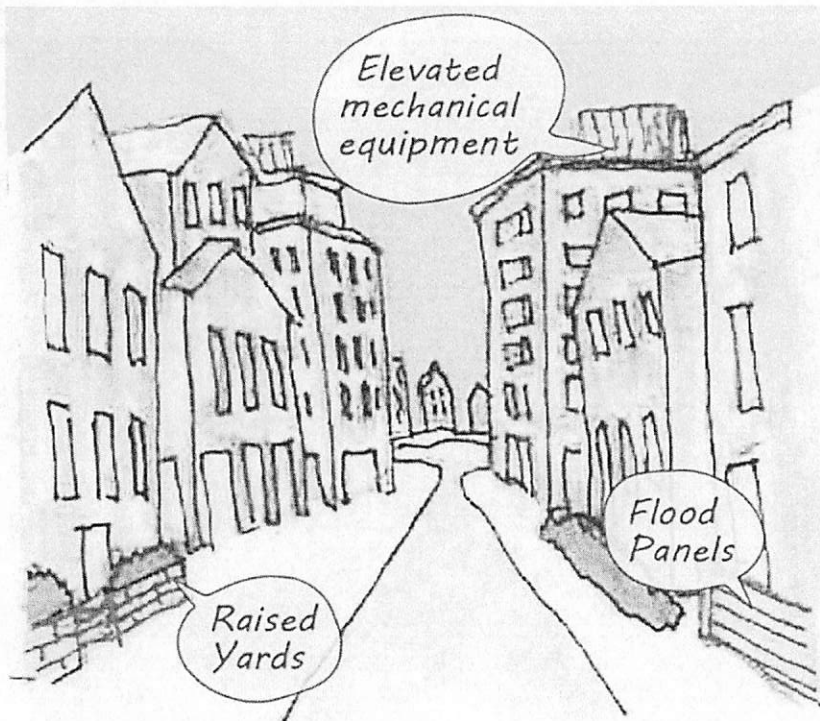


**Proposed Rule:** provides **consistent thresholds** for **all building types** and a wider range of design options to help mitigate potential blank walls and elevated access





Here is an example of how a larger building could take advantage of the wet-floodproofing floor area exemption. Streetscape mitigation would still be required but the entrance at grade already gives 1pt and the transparency another 2 points



### Goal 3

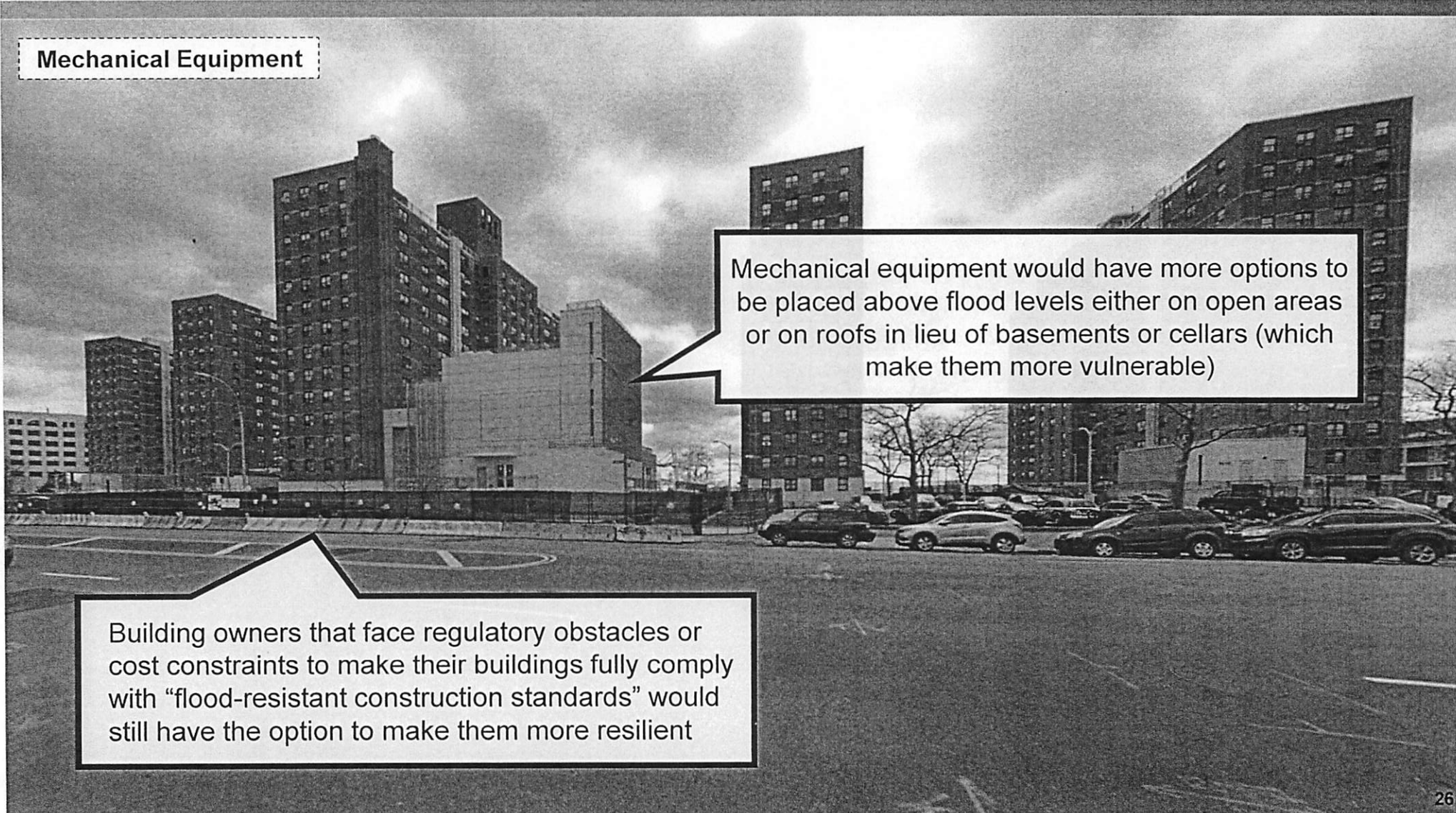
Allow for adaptation over time through incremental retrofits

Mechanical Equipment.....

Support Spaces.....

Flood Protection Measures.....

Waterfront Sites.....



**Mechanical Equipment**

Mechanical equipment would have more options to be placed above flood levels either on open areas or on roofs in lieu of basements or cellars (which make them more vulnerable)

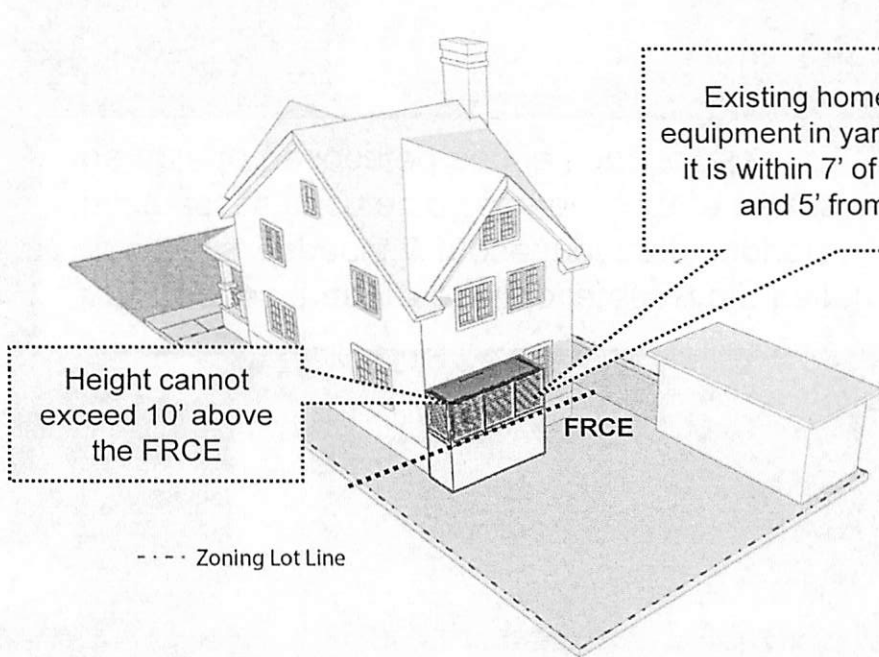
Building owners that face regulatory obstacles or cost constraints to make their buildings fully comply with “flood-resistant construction standards” would still have the option to make them more resilient



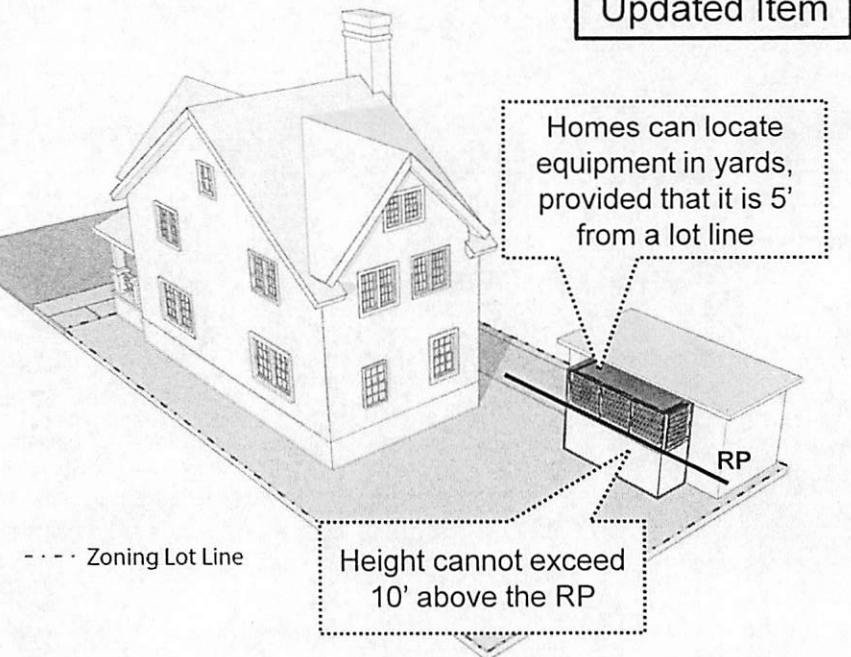
**Mechanical Equipment**

Open areas

Permitted obstruction allowances would enable the placement of mechanical equipment above flood levels outside of buildings to address situations where space is constrained, or when structures cannot sustain additional loads.



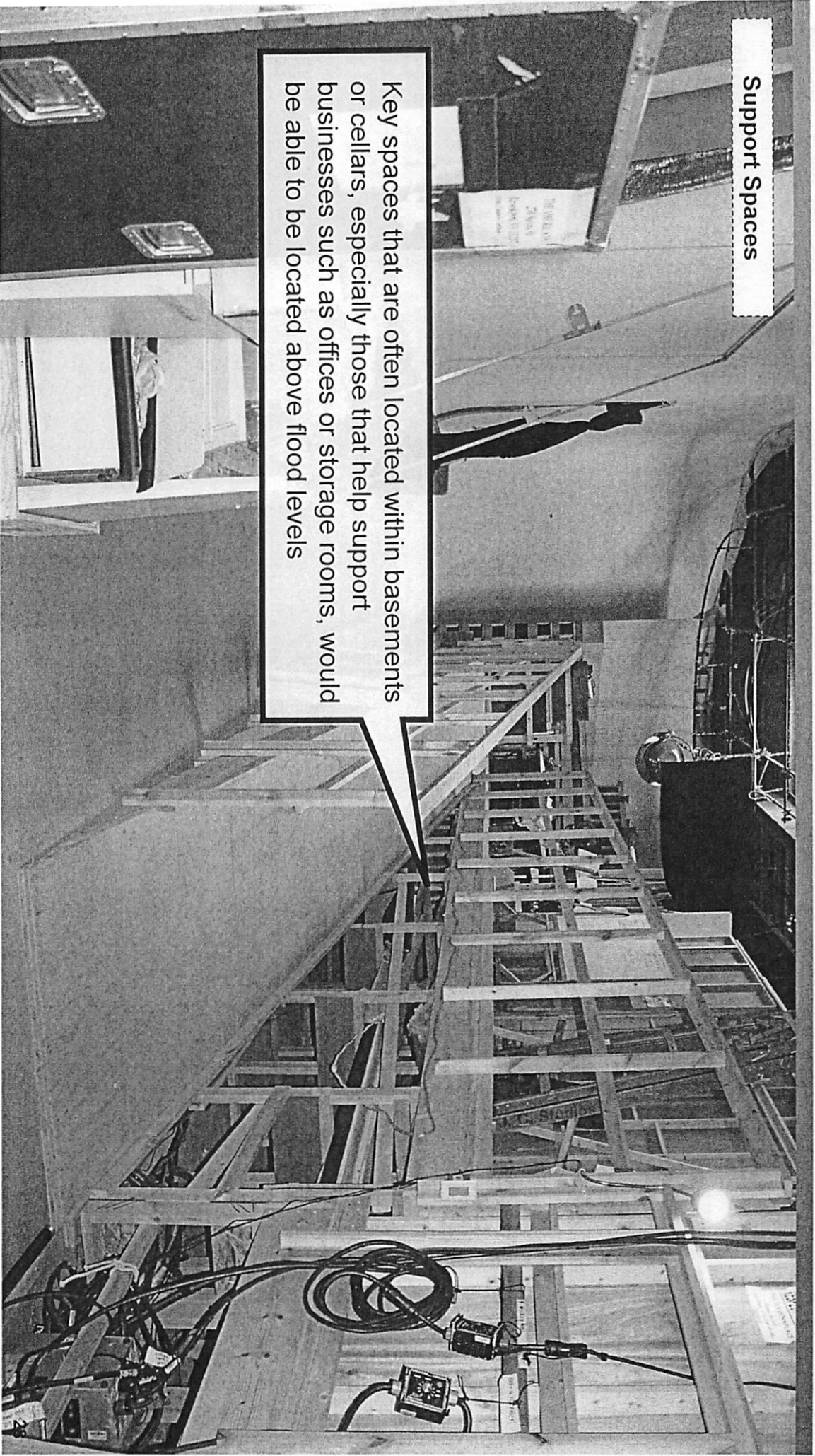
**2013 Flood Text:** allows mechanical equipment to be located within open areas, provided that it is screened, and that location and height limitations are met



**Proposed Rule:** allows additional flexibility for mechanical equipment to be located within open areas, provided that it is enclosed, and that coverage and height limitations are met

Support Spaces

Key spaces that are often located within basements or cellars, especially those that help support businesses such as offices or storage rooms, would be able to be located above flood levels



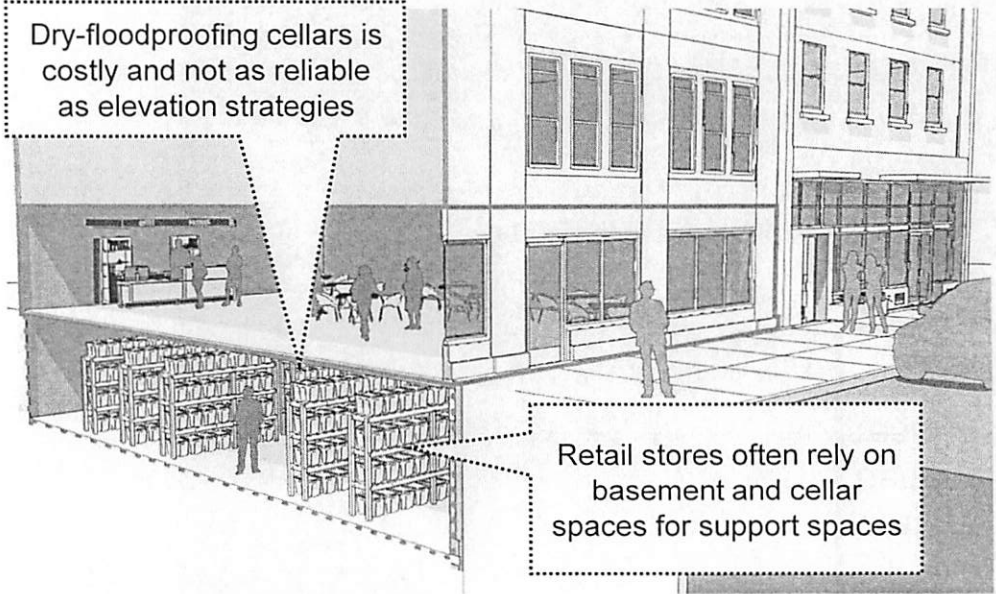


**Support Spaces**

Ground Floors: 2<sup>nd</sup> story commercial

Modified use regulations would give businesses the opportunity to move critical business functions, such as storage and inventory, out of basements or cellars to above the flood level, improving the long-term resiliency of commercial corridors.

Dry-floodproofing cellars is costly and not as reliable as elevation strategies

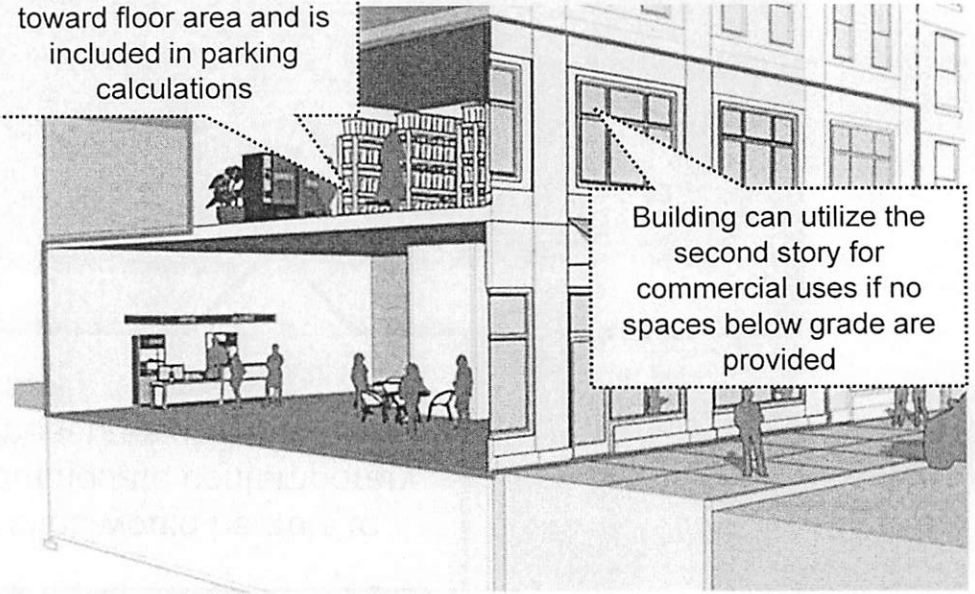


Retail stores often rely on basement and cellar spaces for support spaces

**Underlying Text:** limits commercial uses to the ground-floor in mixed-use buildings located within in low- and medium-density commercial corridors

**New Item**

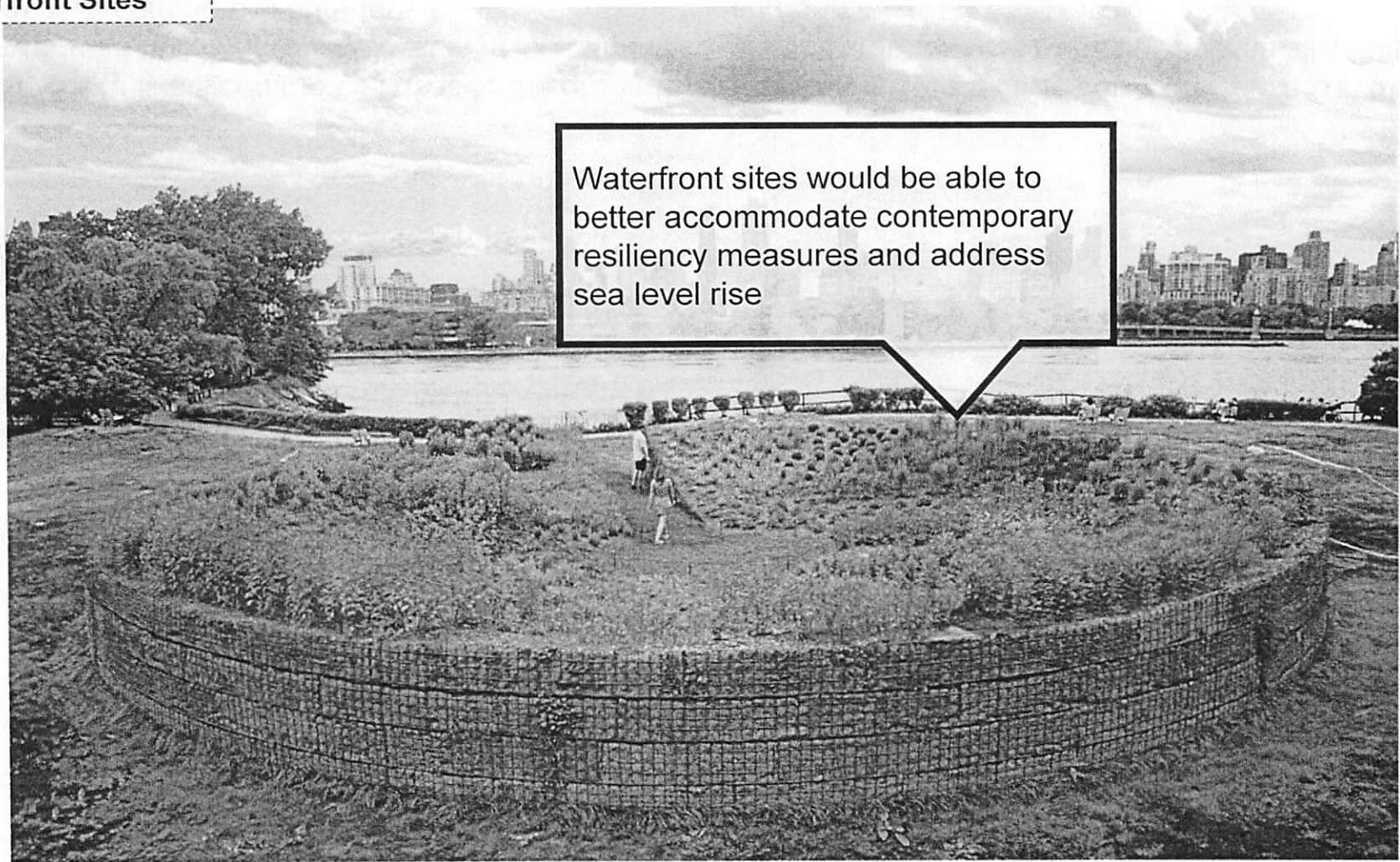
Space is still counted toward floor area and is included in parking calculations



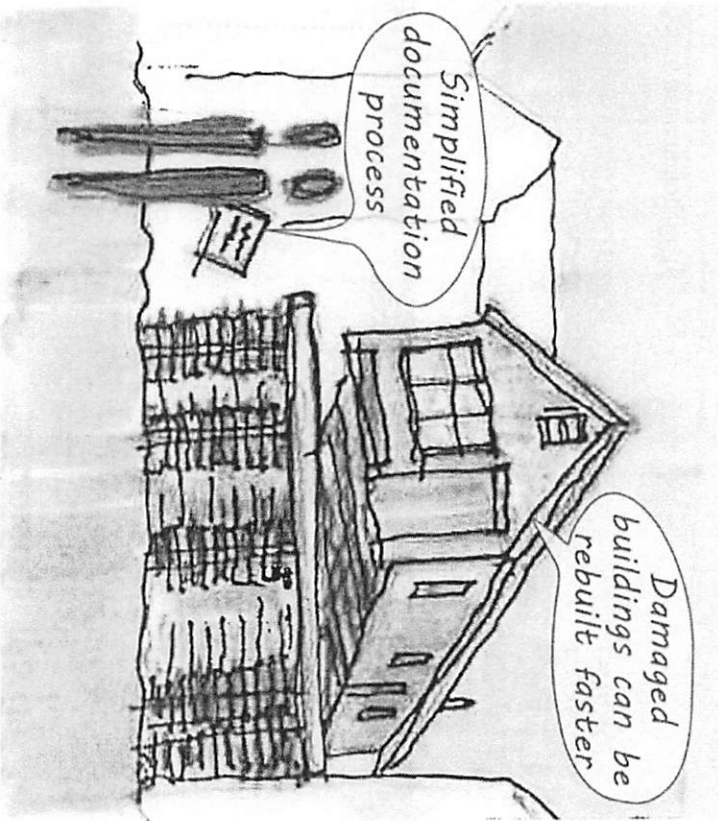
Building can utilize the second story for commercial uses if no spaces below grade are provided

**Proposed Rule:** allows commercial uses on the second story of mixed-use buildings in all commercial corridors

Waterfront Sites



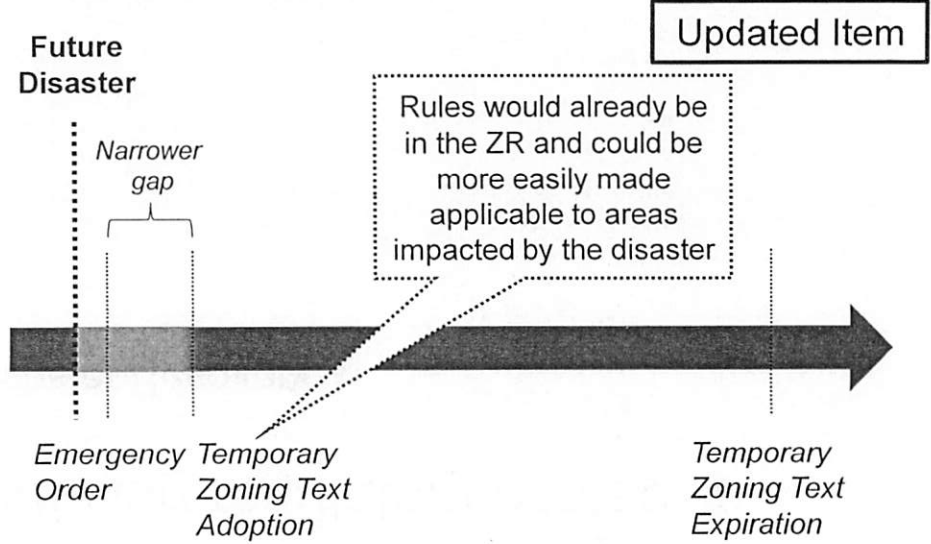
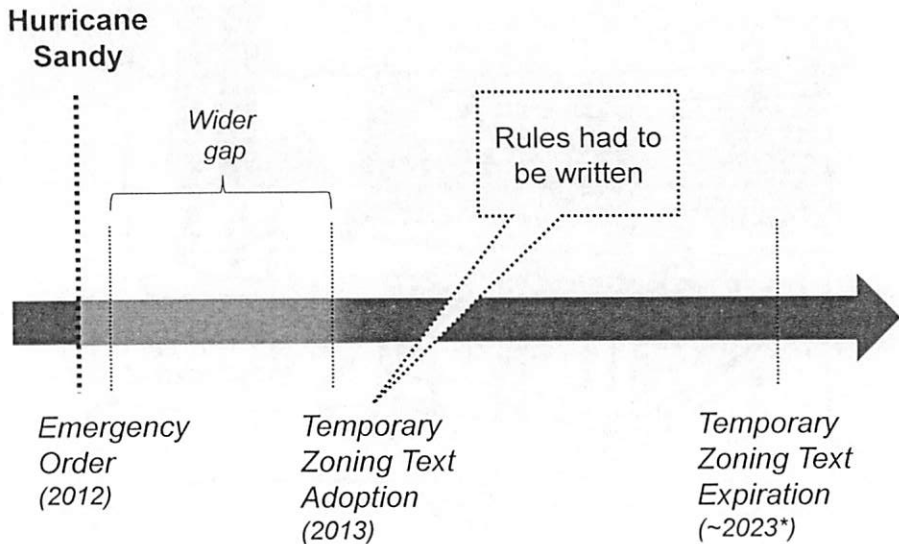
Waterfront sites would be able to better accommodate contemporary resiliency measures and address sea level rise



**Goal 4**  
Facilitate future recovery by  
reducing regulatory obstacles  
Disaster Recovery .....

**Disaster Recovery Framework**

A series of disaster recovery provisions that could be made available through a text amendment when a disaster occurs would offer a roadmap for the public, planners, and decisionmakers when working to recover from a disaster.



\*original assumption: 2014

**2013 Flood Text:** recovery provisions had to be developed soon after Hurricane Sandy, taking certain time to be adopted

**Proposed Rule:** recovery provisions would be placed in the Zoning Resolution today, so they can be quickly selected post-disaster based on the issues caused by such event and the necessary time period for recovery



## Disaster Recovery

### Types of Rules

Recovery provisions would include rules that could facilitate the recovery process from disasters which cause physical impacts (e.g., hurricanes), and a wider range of disasters that do not necessarily lead to physical damage (e.g., pandemics).

Updated Item

- Damage & Destruction Provisions
- Bulk Modifications
- Tax Lots as Zoning Lots
- Documentation Allowances

- Damage & Destruction Provisions
- Bulk Modifications
- Tax Lots as Zoning Lots
- Documentation Allowances
- Construction Timeframes
- CPC Special Permits/Authorizations Timeframes
- Discontinuance of non-conforming uses
- Temporary Uses

**2013 Flood Text and 2015 Recovery Text:** allowed Sandy-damaged buildings (i.e. most non-conforming and non-complying) to be rebuilt and additional relief to expedite recovery (such as documentation allowances)

**Proposed Rule:** builds upon this set of provisions and include additional rules such as allowing non-conforming uses to be discontinued for a longer period of time



Disaster Recovery

COVID-19

Selected rules would be triggered to provide a more predictable, long-term method to administer the pandemic relief.

New Item

These allowances will cease when the EO expires and is not renewed, or when the state of emergency ends



- Damage & Destruction Provisions
- Bulk Modifications
- Tax Lots as Zoning Lots
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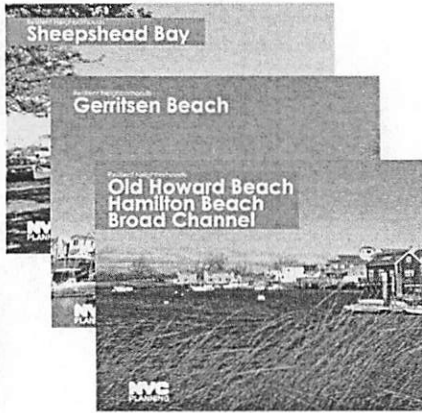
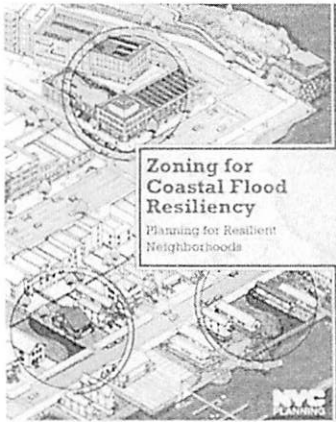
**Mayor's Executive Order:** provides short-term relief from regulations, including relief from construction timeframe rules and non-conforming use provisions

**Proposed Rule:** puts these two provisions into effect throughout the city for a period of two years, consistent with the general intent of the disaster recovery rules and the Executive Order

**Next Steps**

Public Review

The citywide text amendment is being proposed to follow the ULURP clock, in parallel with the three local actions to simplify the review process.



**Zoning for Coastal Flood Resiliency**  
Citywide Text Amendment

+

**Local Actions**

- Gerritsen Beach, BK
- Sheepshead Bay, BK
- Old Howard Beach, QN

**Community Boards**  
(60 days)

**Borough Presidents & Boards**  
(30 days)

**City Planning Commission**  
(60 days)

**City Council**  
(50 days)

**Mayor**  
(5 days)