

Remarks before Subcommittee on Zoning and Franchises Amy Peterson, Director, Mayor's Office of Housing Recovery (Build it Back) July 20, 2015

I am Amy Peterson, Director of the Mayor's Office of Housing Recovery, which administers the Build it Back program. I would like to thank the Subcommittee on Zoning and Franchises for the opportunity to testify in support of the Special Regulations for Neighborhood Recovery text amendment at today's hearing.

The New York City Build it Back program, funded by federal CDBG-Disaster Relief dollars, is designed to assist homeowners, landlords, renters, and tenants affected by Hurricane Sandy within the five boroughs. The program offers multiple pathways to assistance, including: property rehabilitation or reconstruction, property elevation, reimbursement for repair work already carried out, and acquisition of homes.

Since the de Blasio Administration overhauled the program, Build it Back has seen significant progress with nearly all applicants having been made an offer by the program and over 1,400 starting construction. The Build it Back program expects to elevate, rebuild, or repair thousands of homes. Through the proposed text amendment, we are introducing special zoning rules that apply specifically to Sandy-damaged residences in targeted areas within the flood zone so that we can speed up the pace of resilient building in those areas.

While extensive zoning changes were adopted in 2013 as part of the Citywide Flood Resilience text amendment, this proposal is needed in order to remove additional regulatory barriers. The proposal facilitates the elevation of existing homes and the resilient reconstruction of significantly damaged or destroyed homes in several ways.

• It greatly simplifies the process for documenting non-compliances and non-conforming uses. Right now, before construction can take place, existing zoning codes demand that homeowners produce documentation showing that the home is as it existed at the time of the 1961 Zoning Resolution, or other subsequent zoning changes. This burden of proof is often impossible to meet: the fact that many properties have changed hands since 1961 and that many properties were severely damaged during the flood means documentation is often inaccessible, incomplete, or has simply been destroyed. As a result, the documentation is not available. In many cases, there are only Sanborn maps from the 1930s. Homes which have had minimal alterations made since the 1930s – a few feet added to the front or rear – cannot be approved for elevation or reconstruction unless those few feet are taken off the home. This is an unnecessary penalty for homeowners. As one homeowner explained in her testimony to Staten Island CB2: "These homeowners deserve to keep the square footage they had prior to Sandy as it affects their quality of life as well as the value of their home. This will also allow these homes to be built to help keep the character of the neighborhood."



- It establishes a new zoning envelope so that rebuilt homes fit the visual character of the neighborhood. Under current regulations, homes must be rebuilt within the existing footprint or according to existing zoning regulations— which for narrow and shallow lots would result in extremely tall, "candle-stick-like" buildings that do not provide quality living space and are inconsistent with the overall character of the neighborhood. As such, the proposal removes regulatory barriers to allow homes to have wider footprints (achieved by increasing side yard reduction provisions for narrow/shallow lots). The resulting homes will be shorter and wider, more appropriate to the built context in the area and more livable for the homeowners.
- It removes disincentives for property owners to make resilient investments by allowing additional habitable space to be elevated to comply with flood-resistant construction standards. Restrictions on elevating parts of a structure that are below adjacent grade level have deterred some homeowners who use their basements for living space from choosing that pathway. As of now, any elevation can only include habitable spaces that are adjacent to or above the adjacent grade level. This discourages property owners from elevating their homes. As such, the proposal remove regulatory barriers to allow dwelling spaces that are up to 50% below adjoining grade) to be elevated.

Importantly, this text amendment is the result of many discussions with civic leaders, community members, and elected officials, including Borough President Melinda Katz, who has described this amendment as "bold" and a good example of what can be done when government works together. I quote one of the homeowners to drive home just how important these reforms are: "Residents like us should not have to suffer the loss of our homes twice – once to nature and again to bureaucracy."

Altogether, these new proposals constitute a broad effort to eliminate the operational challenges brought about by current regulations. Once passed, these proposals will allow hundreds of homeowners to move forward in our program and receive much-needed relief.

M. Barry Schneider

Testimony in support of the Hospital for Special Surgery's Application before the Land Use Committee of the New York City Council

Monday, July 20, 2015

My name is Barry Schneider, and my wife Judy and I are pleased to be here today to support Hospital for Special Surgery's application for a special permit to allow the expansion of its West Wing.

Judy and I are long-time residents of the Upper East Side community where the Hospital is located. I have served for over 20 years as a member of Community Board 8 and as President of the East Sixties Neighborhood Association.

I am very familiar with the Hospital and its great work. In fact, I am a walking example of the extraordinary clinical care that HSS provides to thousands of patients each year, having had both of my hips replaced there several years ago.

For many years, I was also honored to serve as the community representative on the Hospital's Institutional Review Board, which reviews all research projects involving humans to ensure that they meet the highest ethical standards.

I understand that the Hospital is experiencing an extraordinary demand for its services and that this need is growing. I have nothing but respect and admiration for the institution, and whole heartedly support its desire to expand to add three new inpatient operations to enable 2,500 additional inpatient surgeries per year.

To day I Am JP speaking to A private individual.

340 East 64th Street New York, NY 10065 (t) 212 755-1296 (m) 212 203-2722 mbs16@pipeline.com

Judith E. Schneider

Testimony in support of the Hospital for Special Surgery's Application before the Land Use Committee of the New York City Council

Monday, July 20, 2015

Good Morning Council Members,

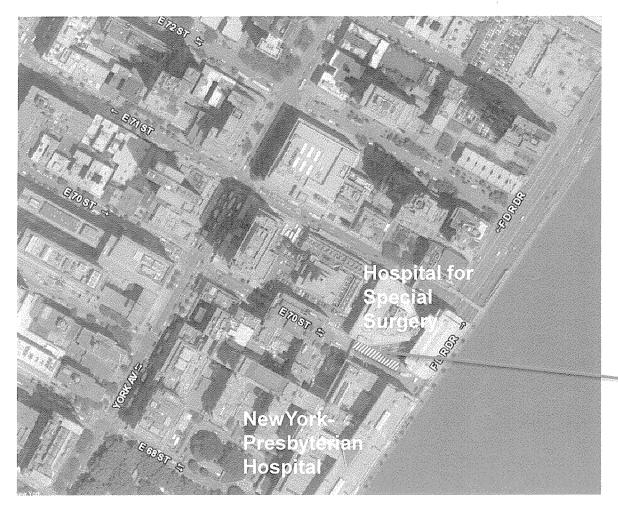
I am Judy Schneider and I want to echo Barry's comments. Like Barry, I have been an involved member of the Hospital's community for many years. I am currently a Board member of Friends of St. Catherine's Park and the East Sixties Neighborhood Association, and until recently served as a member of Community Board 8, a position I held for over 20 years.

I have also been an HSS patient, and have experienced firsthand the exceptional care provided by its physicians and therapists. Barry and I have also referred many friends to the Hospital, and the feedback we have received from each and every one of them has been glowing.

The Upper East Side community and all of New York City are very fortunate to be home to a world-renowned institution like HSS. I am so pleased to be here today to lend my support to the Hospital's application for a special permit to enable the expansion of its West Wing to add three new operating rooms so that the growing number of patients from New York City and beyond seeking care at HSS can benefit from the great work of its physicians and surgeons.

In closing I just want to add that the addition is not intrusive on the neighborhood, since it just extends over the HSS sidewalk on the part of the street that is not a public thoroughfare.

Thank you for hearing my testimony.



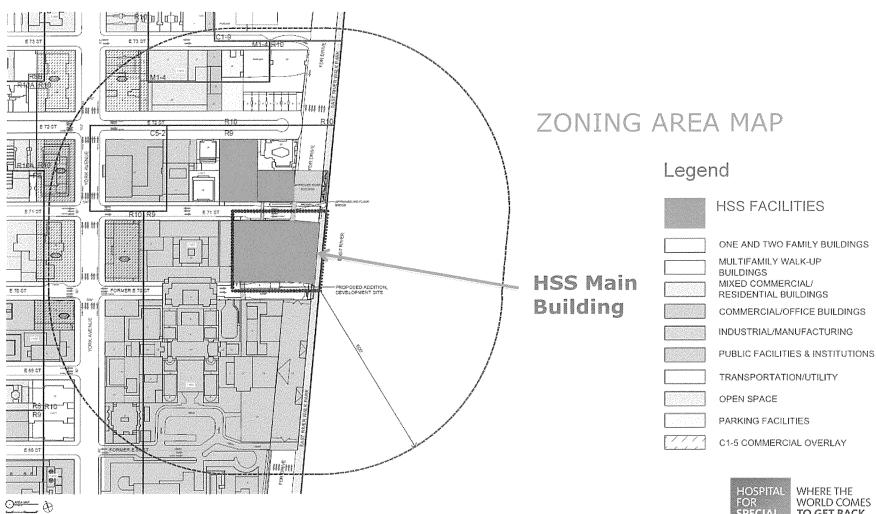
HSS Main Campus Project

150248 ZSM 150264 CMM

Proposed Addition

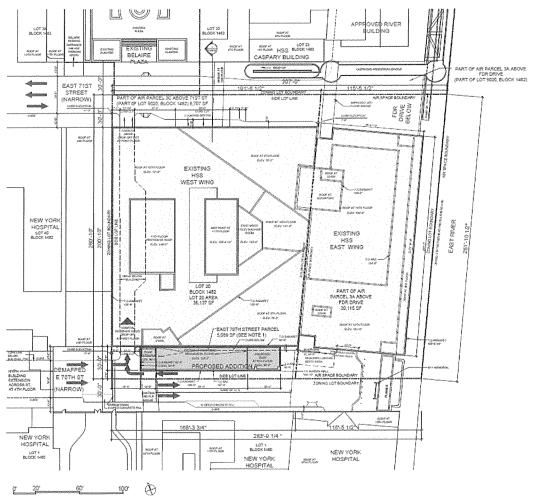












ZONING SITE PLAN





Hospital for Special Surgery | EwingCole ©2015



EXISTING CONTEXT

APPROACH FROM 70TH ST TO UNDERPASS, LOOKING EAST







EXISTING CONTEXT

HSS ENTRANCE AND PROJECT SITE, LOOKING NORTH-EAST



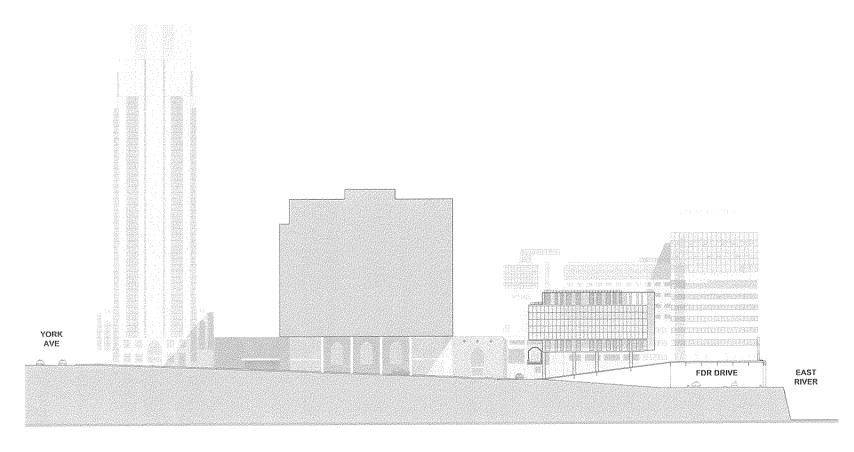




VIEW OF
PROPOSED
ADDITION &
SERVICE RAMP AT
PROJECT
COMPLETION







PROJECT SITE SECTION







EXISTING CONDITIONS

VIEW FROM ROOSEVELT ISLAND

PROJECT LOCATION





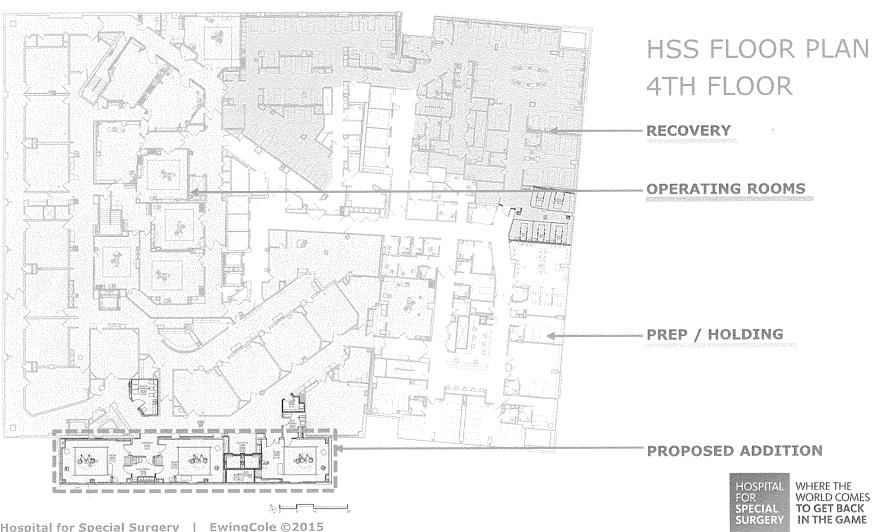


PROPOSED ADDITION

VIEW FROM ROOSEVELT ISLAND

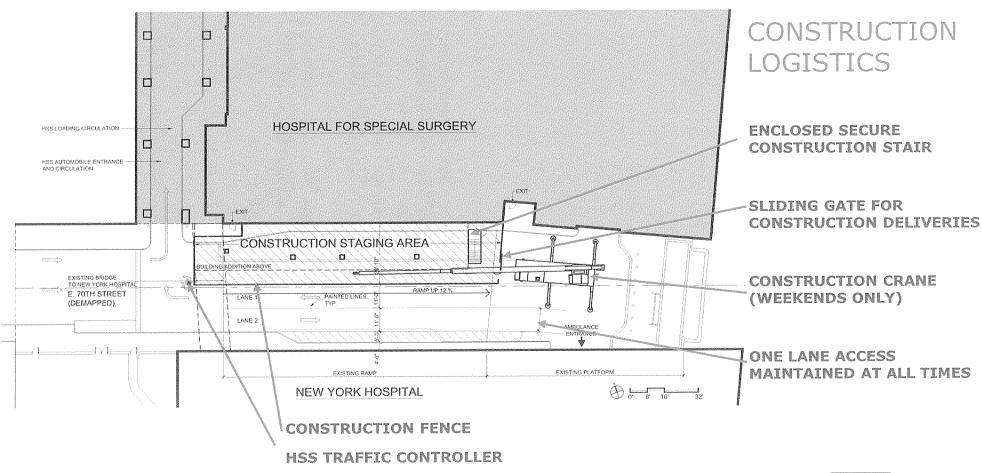








Hospital for Special Surgery | EwingCole ©2015







CITY COUNCIL ZONING SUBCOMMITTEE HEARING Special Regulations Neighborhood Recovery NYCPLANNING

In the aftermath of Hurricane Sandy, New York City identified the recovery of storm-damaged housing as a priority. As part of this commitment, the City established the **Build it Back** program, to assist Sandy-affected homeowners in repairing, elevating, and rebuilding their homes.



Build it Back:

The City's Sandy recovery program

for residents, jointly administered by the Department of Housing, Preservation, and Development (HPD) and Mayors Office of Housing Recovery (HRO), and funded by the U.S. Dept. of Housing and Urban Development.





The **Build it Back Single Family Program** assists owners of properties with 1-4 units through **5** different pathways, depending on the home's damage:

Applies to substantially damaged/improved homes



Reimbursement

BiB reimburses homeowners for repairs they conducted



Rehabilitation

BiB conducts repair work of a home which will not be elevated



Elevation

Existing home is raised to the FRCE (4500 anticipated)



Reconstruction

New home is built at the FRCE (500 anticipated)

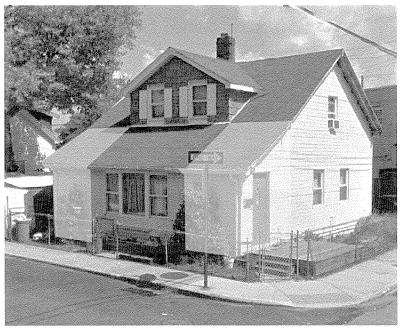


Acquisition

homeowners can voluntarily sell the home to the City

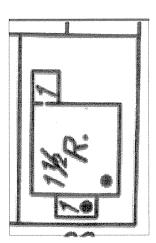
Build it Back: Elevation Case Study

Brooklyn: 50 Aster Court (Gerritsen Beach)

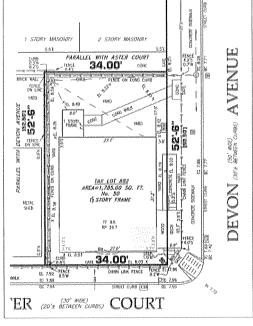


Images: © Google





1931 Sanborn Map Used with permission from The Sanborn Library, LLC



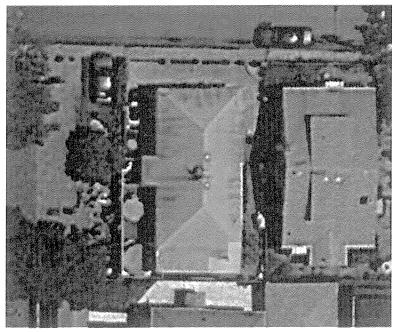
Current Survey

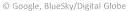
The front sections (highlighted) of this home would have to be removed during an elevation.

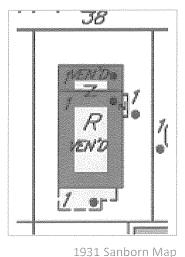
53 Aster Court (far left) 54 Aster Court (left)

Build it Back: Elevation Case Study

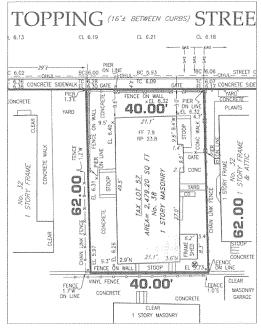
Staten Island: 38 Topping Street (New Dorp Beach)







1931 Sanborn Map Used with permission from The Sanborn Library, LLC



Current Survey



@ Googl

The rear section (highlighted) of this home would have to be removed during an elevation.

ZONING ENVELOPE

FOOTPRINT PER CITY MAPS

PROTOTYPE ALS

Build it Back: Reconstruction Case Study

Staten Island: 668 Yetman Ave. (Tottenville)



1931 Sanborn Map Used with permission, The Sanborn Library, LLC

Pre-Sandy NYC Aerial (2012)
Image: NYCGovMaps

Current Google Aerial (2014)
Image © Google/BlueSky

BiB Proposed Reconstruction

The proposed home does not match the 1931 Sanborn, and is based on home's footprint prior to Sandy. Documenting the home's footprint prior to Sandy (as well as the history of the non-compliant lot) was impossible. Additionally, the home is now demolished; a survey cannot be taken to officially document "existing conditions".

THE CITYWIDE FLOOD RESILIENCE TEXT AMENDMENT ("Flood Text") 64-00:

General Goals: to remove regulatory barriers that would hinder or prevent the reconstruction of storm-damaged properties and to encourage flood-resilient building construction throughout designated flood zones.

- For existing buildings: allows home and business owners to elevate and reconstruct their homes, including existing legally non-complying and legally non-conforming structures.
- For new construction: allows measurement of building height from the Flood Resilient Construction Elevation (FRCE), and enhances streetscapes through transparency and other design requirements.

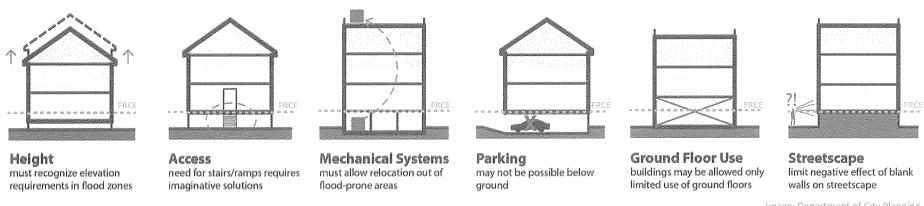


Image: Department of City Planning

City Planning recognized that these emergency provisions would need to be modified in the future based on lessons learned in the flood zone.

FLOOD TEXT ISSUES ENCOUNTERED IN WATERFRONT NEIGHBORHOODS:

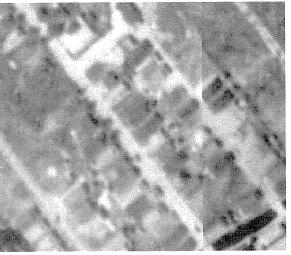
Many homes in the flood zone's low-density waterfront or beach neighborhoods do not comply with or conform to current zoning provisions as a result of long-standing conditions:







Aerial photo of Broad Channel, 2010 Image: © Microsoft Bing



Aerial photo of Cedar Grove, 1924 Image: NYCGovMap



These areas have an old housing stock predating most regulations, and were built on narrower and/or shallower lots than permitted now.



Since 1961, zoning has imposed different standards than typically found in these neighborhoods, causing buildings and lots to become *non-compliant*



It is hard to document the history of these non-compliances (few homes have CO's, Sanborn maps may be inconsistent, some aerial photos are illegible)

Special rules are proposed that will accelerate recovery from Hurricane Sandy by:

- 1. Simplifying the process for documenting non-compliances for Sandy-damaged homes, including any alterations that may have been made prior to Hurricane Sandy,
- 2. Remove disincentives for property owners to make resilient investments, by allowing additional habitable space to be elevated to comply with flood-resistant construction standards, and
- 3. Establishing a new zoning envelope, where homes are to be reconstructed, that more accurately reflects the existing neighborhood character for buildings on narrow and shallow lots.

This will be temporary regulations which remain in effect for 5 years.

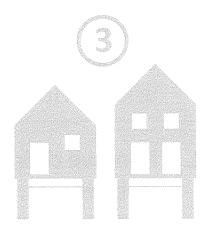
These provisions will only apply to homes that meet all of these criteria:



Residences
existing on the date
of Hurricane Sandy
(October 28, 2012)



Located in targeted areas
which are designated
within the 100 year
flood plain

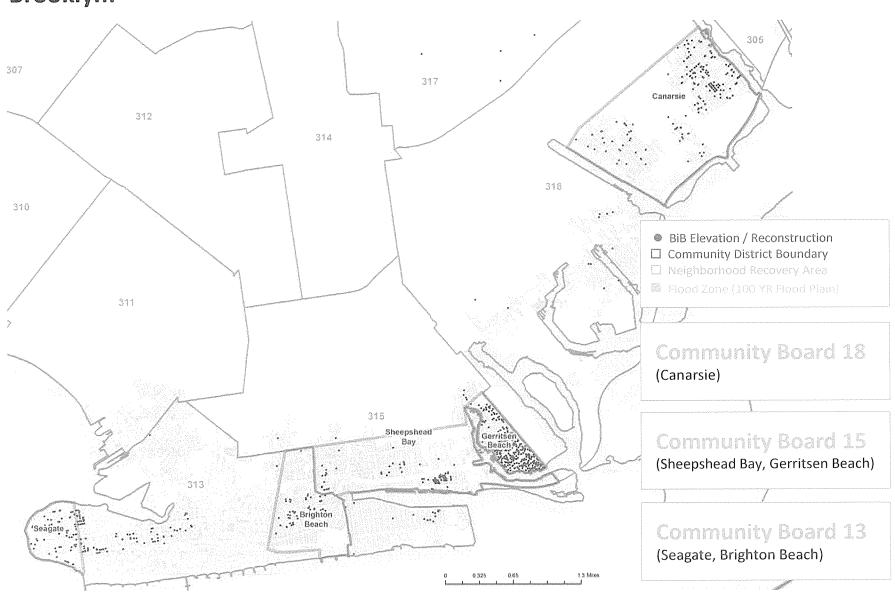


Will be elevated / rebuilt as single- or two-family homes complying with flood-resistant construction standards

Staten Island:



Brooklyn:



Queens

- BiB Elevation / Reconstruction
- ☐ Community District Boundary
- ☐ Neighborhood Recovery Area
- Flood Zone (100 YR Flood Plain)

Community Board 10

(Howard Beach, Hamilton Beach)

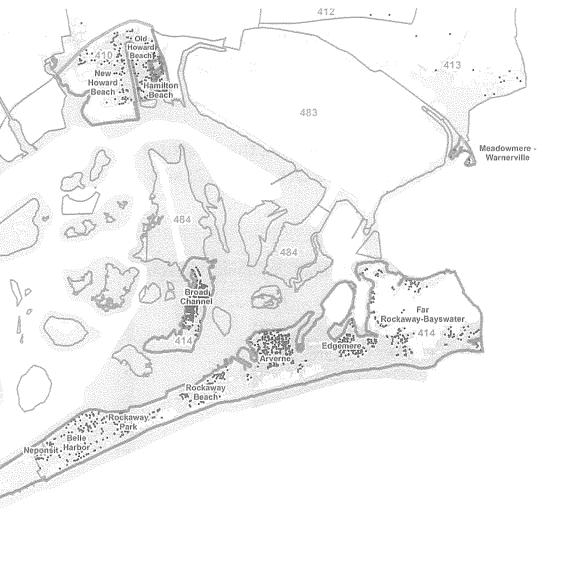
Community Board 13

(Meadowmere)

Community Board 14

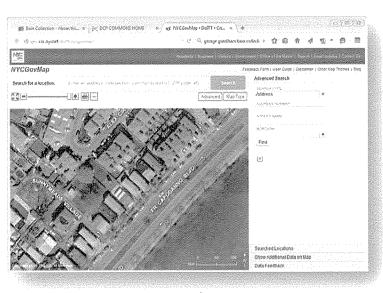
(Broad Channel, the Rockaways, Arverne, Edgemere, Bayswater)

484



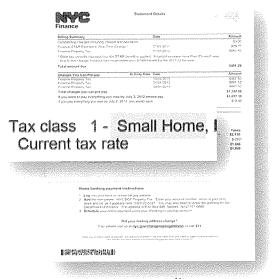
To be eligible to utilize these provisions, an applicant must provide the following proof at the time of application for DOB plan approval:

① An aerial photo showing the structure existing on or before Oct. 28, 2012; and



www.nyc.gov/citymap

② A tax bill indicating the property was used for a residential use in 2012.

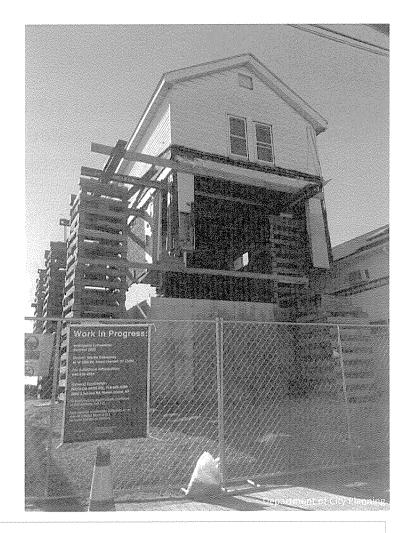


www.nyc.gov/finance

(The date of materials used to verify existence of a residence must not be older than October 28, 2011.)

Proposal:

- A professional survey of the site will establish the "pre-storm conditions" for purposes of building footprint and noncompliances.
- The lowest horizontal structural member supporting the lowest floor containing habitable space that was located at or above adjacent grade may be raised to the Flood Resilient Construction Elevation (FRCE).
- The vertical elevation may create or increase the degree of non-compliance as to height and setback, required open space, and yards.



Result: Buildings which are elevated to these standards will be considered **non-compliant** and/or **non-conforming** upon the completion of their elevation.

Currently:

Homes may be reconstructed in the same footprint (if it can be documented) or may be built within the as-of-right envelope (at right).

Issues faced in reconstruction:

- 1. Development of housing under current zoning regulations often results in homes that undesirable because of the narrow permitted floor plate and extreme height.
- 2. To comply with the 2014 Construction Code, changes to the location of the home often require homeowners to go to the Board of Standards & Appeals (BSA), which can be a long and costly process.
- 3. For substandard lots, the history of the lot's ownership is difficult to document.

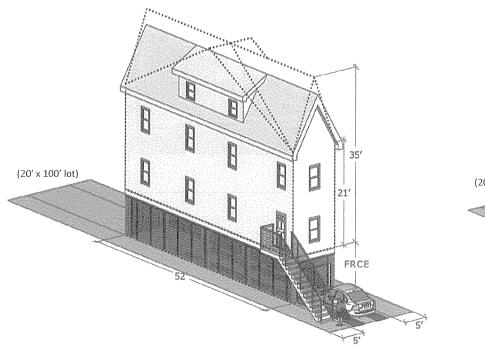


Example of as-of-right development that is permitted under current zoning regulations

Proposal:

Envelope Modifications for Small/Narrow/Shallow Lots:

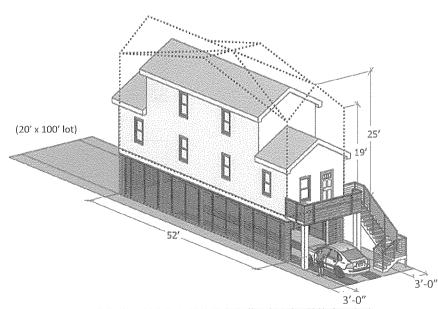
When combined with the new provisions for narrow and shallow lots, these rules will yield a shorter + wider building, which is more appropriate to the built context in these areas:



Building resulting from

Existing Regulations

(yards reduced to 5' minimum) (no height reduction: 21' perimeter wall, 35' overall height) 522 SF + 522 SF +154 SF = 0.59 FAR



Building resulting from

714 SF + 486 SF = 0.60 FAR

Proposed Regulations

(height reduced to: 19' perimeter wall, 25' overall height)

(yards reduced to new 3' minimum)

Reconstructions – Resulting streetscape character

Existing Regulations

Perimeter wall: 21' - 25' Overall bldg. height: 35'



Proposed Regulations

Perimeter wall: 19' Overall bldg. height: 25'



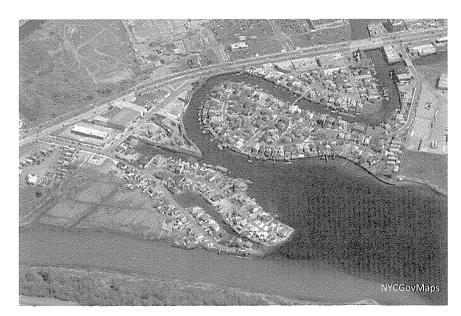
Special Regulations for Non-conforming Uses

Two-family homes:

1. Where insufficient documentation is available to determine the legality of a non-conforming two-family residence, the Board of Standards and Appeals will be given the ability to permit the vertical elevation or reconstruction as a non-conforming two-family residence upon submittal of evidence to support such claim, including but not limited to: tax records, lease agreements, utility bills, etc.

Homes in M Districts:

 Existing provisions will be modified to allow the vertical elevation or reconstruction of an existing singleor two-family residence within Manufacturing Districts.



Meadowmere (Queens) a flood-prone neighborhood in a Manufacturing District adjacent to JFK Airport.

Together, these provisions will help further our goals of expediting neighborhood recovery by:

- Simplifying the process for documenting non-compliances for Sandy-damaged homes,
- 2. Removing disincentives to resilient investments by allowing homeowners to retain more of their existing floor area, and
- 3. Providing modified rules for the reconstruction of residences that result in buildings that fit better into their surrounding context.

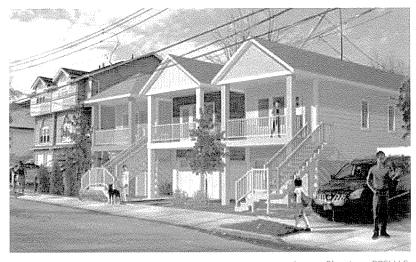


Image: Bluestone RRSI LLC, Curtis + Ginsberg Architects LLP

These special regulations, most importantly, will result in safer, more resilient homes.









CITY COUNCIL PRESENTATION

20 JUNE 2015

41 GREAT JONESNOHO HISTORIC DISTRICT EXTENSION, NEW YORK CITY
41 GREAT JONES HOLDING, LLC







(5) VIEW FROM SITE ACROSS GREAT JONES ST., FACING NORTH



1 STREET FACADE OF EXISTING BUILDING ON SITE, FACING SOUTH ON GREAT JONES ST.



PHOTO KEY:

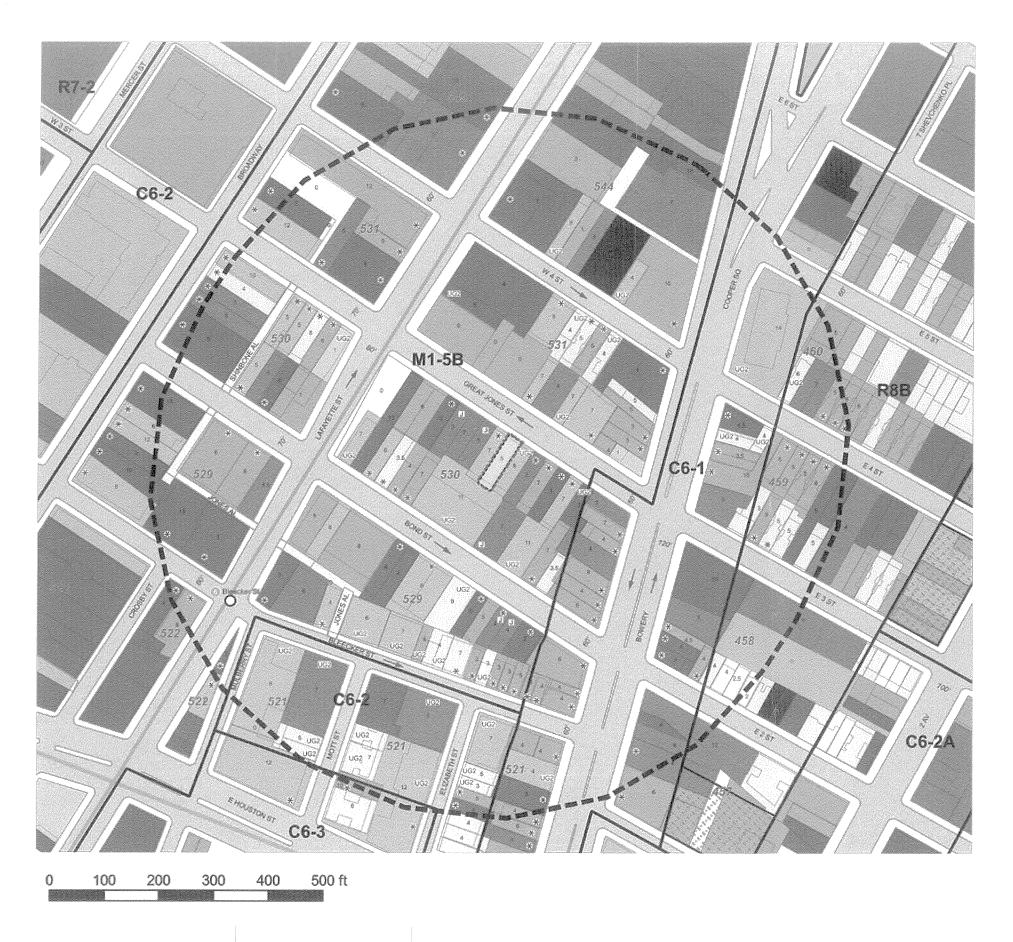
GREAT JONES STREET

(9) VIEW OF SITE LOOKING SOUTH ON GREAT JONES ST.

25 NOVEMBER 2013

4 VIEW FROM SITE ACROSS GREAT JONES ST., FACING NORTH TOWARDS LAFAYETTE ST.





Morris Adjmi Architects www.ma.com

AREA MAP

41 GREAT JONES STREET

NOHO, NEW YORK CITY

CITY COUNCIL PRESENTATION / 20 JUNE 2015

41 GREAT JONES MANHATTAN BLOCK 530 LOT 27

Recrox Map N Brooklyn Staten teland

Legend

Development Site

[[]] 600 ft Radius Site

Zoning Districts

C2-5 Overlay

O Subway Station

Property Line

530 Block Numbers

5 Number of Floors

* Ground Floor Retail

Joint Living Work Quarters

usz Ground Floor Residential

Land Uses

All Other or No Data

One & Two Family Buildings

Multi-Family Walkup Buildings

Multi-Family Bevator Buildings

Mixed Commercial/Residential Building

Commercial/Office Buildings

Industrial/Manufacturing

Transportation/Utility

Public Facilities & Institutions

Open Space

Parking Facilities

Vacant Land

Data Source: PLUTO May 2014



Morris Adjmi Architects www.ma.com

STREETSCAPES

41 GREAT JONES STREET

NOHO, NEW YORK CITY

CITY COUNCIL PRESENTATION / 20 JUNE 2015

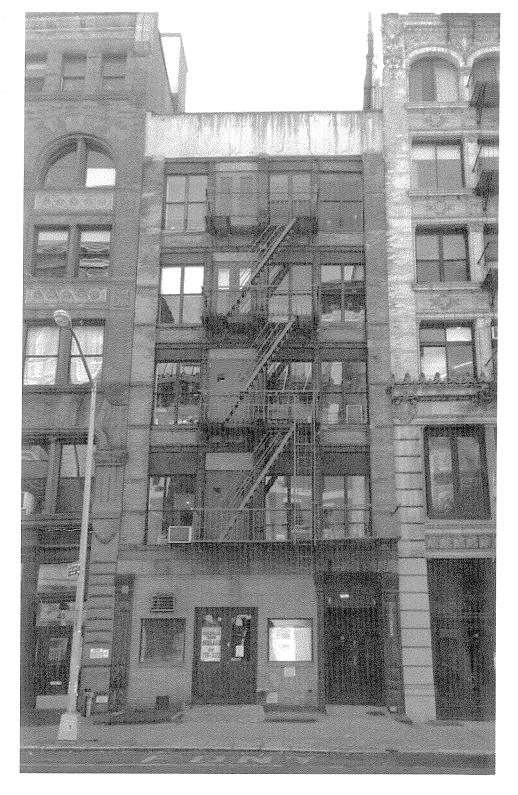


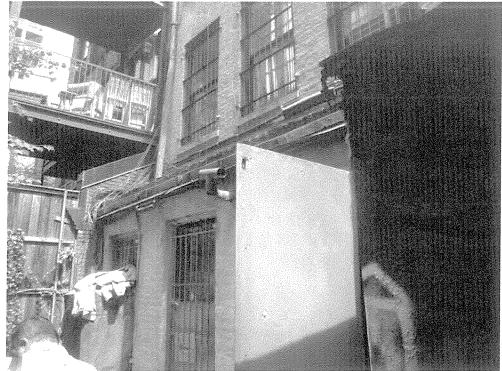


GREAT JONES STREET CIRCA 1936



1940'S TAX LOT PHOTO OF #41 GREAT JONES STREET







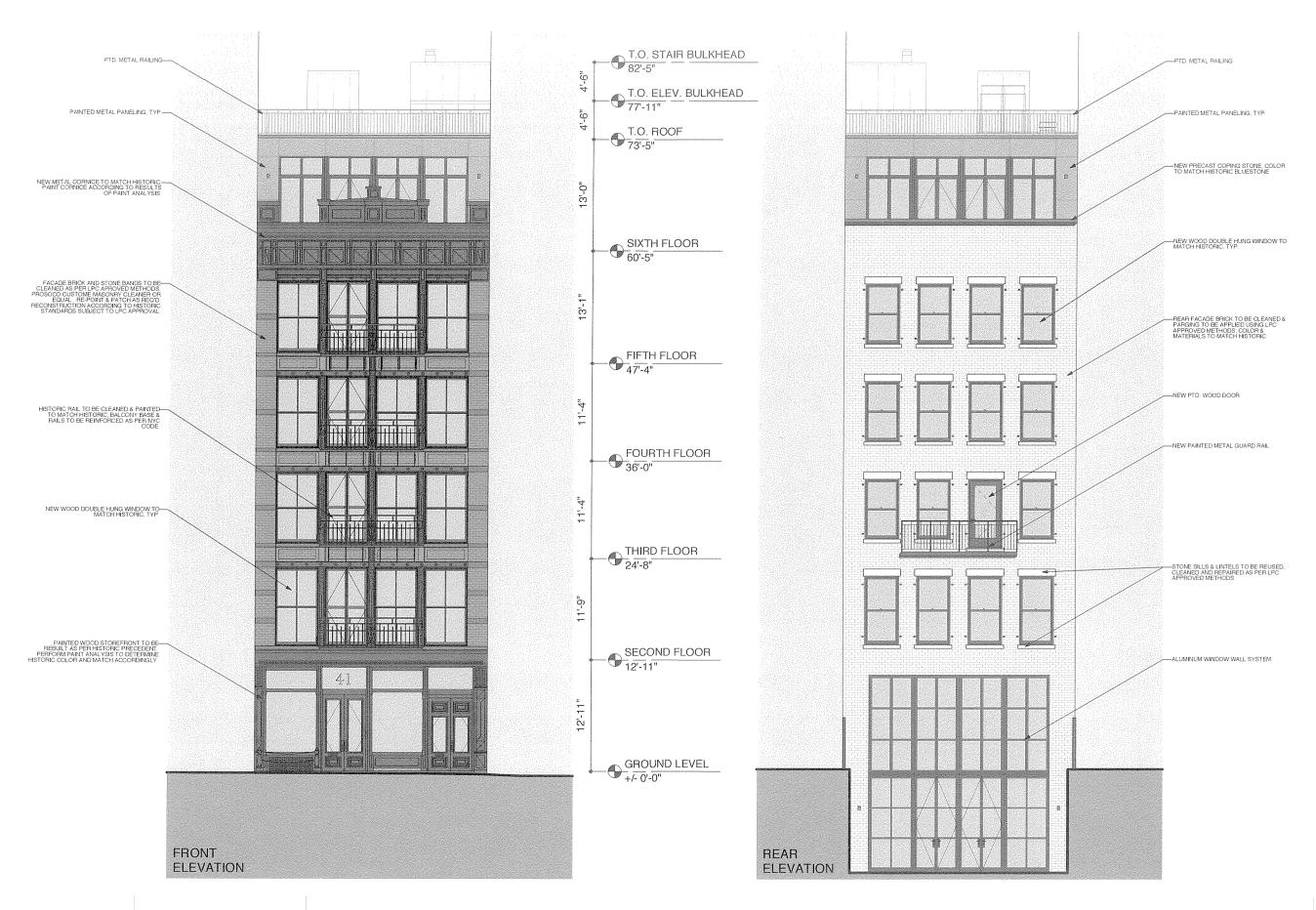
FRONT FACADE REAR FACADE





41 GREAT JONES STREET

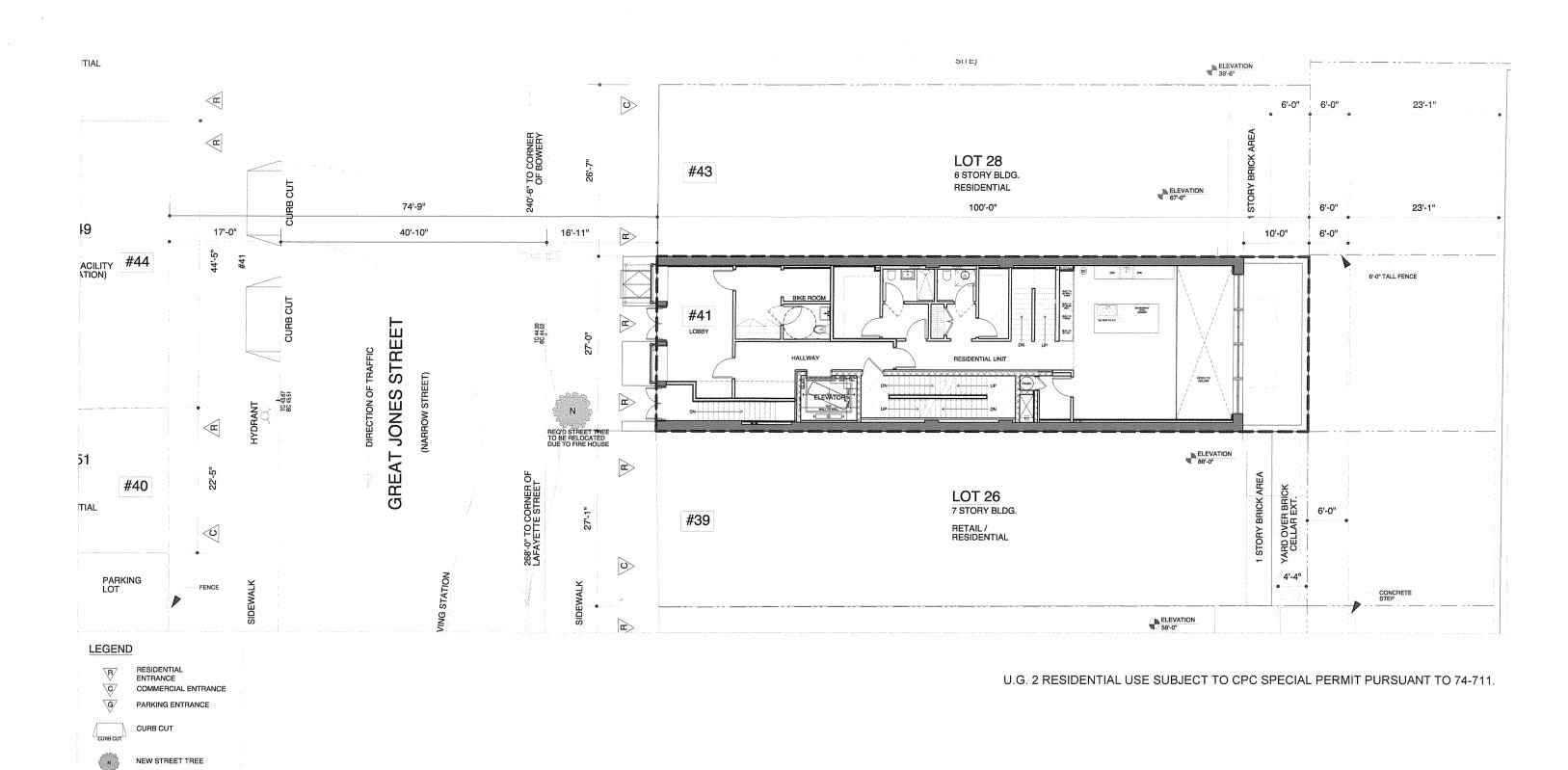
NOHO, NEW YORK CITY





41 GREAT JONES STREET

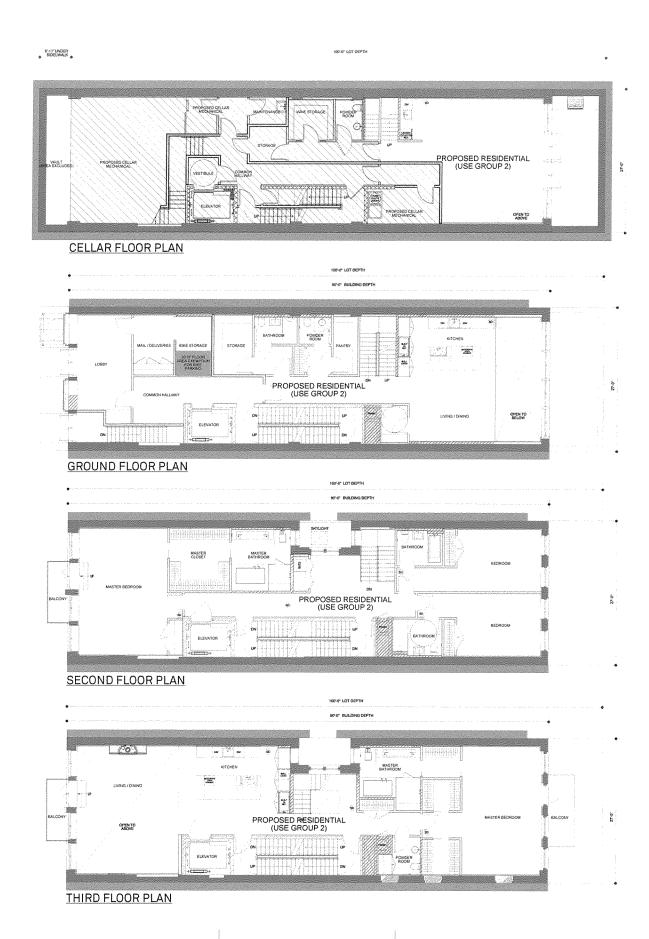
NOHO, NEW YORK CITY



1 GROUND FLOOR PLAN
1'-0" = 1/6"

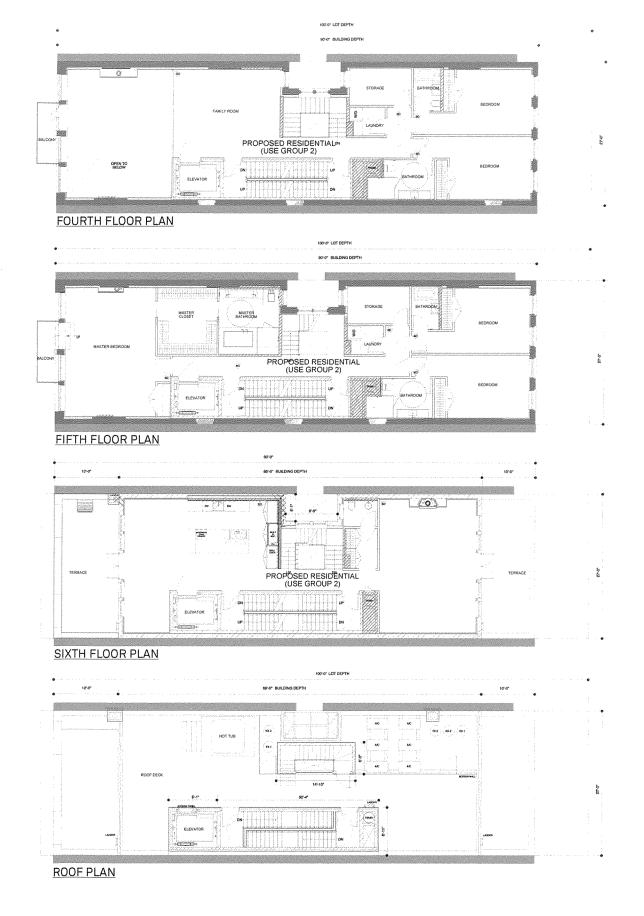
ZONING LOT BOUNDARY

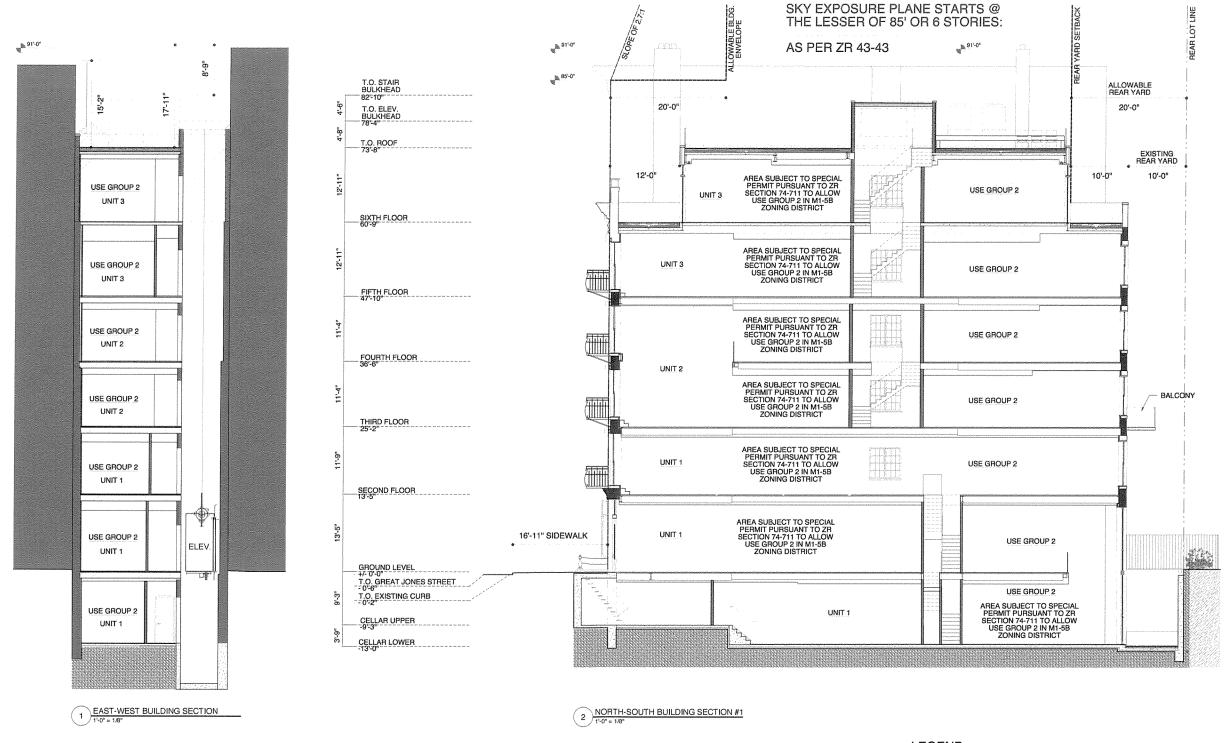
EXISTING STREET TREE



41 GREAT JONES STREET

NOHO, NEW YORK CITY





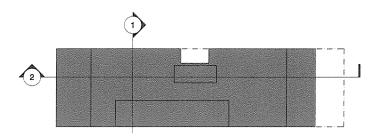
ZONING SPECIAL PERMIT PURSUANT TO ZONING RESOLUTION SECTION 74-711 TO ALLOW RESIDENTIAL USE (USE GROUP 2) ON ALL FLOORS.

41 GREAT JONES STREET

NOHO, NEW YORK CITY



AREA OF PROPOSED ENLARGEMENT



THE COUNCIL THE CITY OF NEW YORK

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THE COUNCIL THE CITY OF NEW YORK

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THE	CITY OF NEW 1	YORK LU
	Appearance Card	250
	speak on Int. No	
	Date:	
Name: MT)	GREAT TOWN	the DING
I represent:	GREAT JONE	ow 3 50.
Please complet	e this eard and return to the S	er geant-at-Arms
THE	THE COUNCIL CITY OF NEW Y	ORK
	Appearance Card	349
I intend to appear and	speak on Int. Noin favor	Res. No
Name: 01,4	(PLEASE PRINT) Stymum n Grand Stymum	
I represent: 1958 Address: 195	pring Street C	ate III
Please complete	this card and return to the Sei	rgeant-at-Arms

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	Appearance Card	H55
- -	nd speak on Int. No.	Res. No.
·	in favor in opposition	
	Date:	<u> </u>
lima ((PLEASE PRINT)	
Name: LISA GOLI	-	
	Har Special Surgery	<u> </u>
I represent: HOSP.	for special surgery	4
Address: 135 E	71st Manhattar	
		. .
Please comple	ete this card and return to the Serge	eant-at-Arms
	THE CALBIATE	
THE	THE COUNCIL CITY OF NEW YO	rk ()
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	Appearance Card	[H55]
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I/intend to appear and	Appearance Card d speak on Int. No. in favor in opposition Date: (PLEASE PRINT)	H55
Name: Melanie Maddress: Fried Fra	Appearance Card d speak on Int. No. in favor in opposition Date: (PLEASE PRINT)	Res. No.
Name: Melanie Maddress: Fried Fra	Appearance Card d speak on Int. No. in favor in opposition Date: (PLEASE PRINT)	Res. No.