

REBNY Testimony | February 8, 2020

## **The Real Estate Board of New York to The Committees on Resiliency and Waterfronts and Housing and Buildings of the New York City Council Concerning Intro 962 – Impermeable Area**

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Committees on Resiliency and Waterfronts and Housing and Buildings for the opportunity to submit feedback on Intro 962, which proposes to amend Appendix A of the Building code to limit the allowed amount of impermeable area of zoning lots.

Confronting climate change requires collective effort from both the public and private sectors to deal with the crisis at hand. REBNY supports City and State emissions reductions goals and we are proud to represent members who are innovating in the fields of building construction and technology to reduce carbon footprints, increase energy efficiencies and take concrete steps to strengthen climate resilience.

We need strong, coordinated mitigation efforts to address the climate crisis. However, successful climate change adaptation requires multiple modes of intervention. Not every building encounters the same risks in the same way and a one-size fits all approach is anathema to the science, site-specific constraints and neighborhood level risk. As New York continues to fight COVID-19, we also need predictable and transparent city regulations to create a sustainable economic recovery, especially in development. The real estate and construction industries are vital to New York's livelihood, creating thousands of jobs and billions of dollars in tax revenue.

For these reasons, we cannot support Intro 962 as drafted. The bill language states that no permit may be issued for work at a zoning lot unless the applicant demonstrates to the satisfaction of the commissioner that such work will not increase the impermeability factor of such lot to greater than the maximum impermeability factor for such lot. First, this fails to account at all for the below grade conditions in a city that is hundreds of years old with centuries of layered building strata, utility lines, and transit infrastructure. There is zero distinguishing language between high-density districts where sites are excavated lot line to lot line and low-density districts with existing controls on natural area management. There is also no consideration for the drainage complications of permeable surfaces over below grade building portions or if there were purposeful containment strategies put in place to

mitigate below grade brownfield conditions. This is by no means exhaustive given the complexities of designing these systems and the variety of below grade conditions – further study and outreach is necessary.

Second, we oppose as a manner of process. The city's code revision process is existing, robust and provides for multiple avenues for stakeholder engagement, discussion and mediation of disagreements to revise the building code. Legislating resiliency measures one by one does not build upon the vast expertise and stakeholder engagement that is part of the city's code revision process, nor from city's ongoing study and work around climate resiliency and adaptation. For a body that is requesting holistic study at the Federal Government level for regional interventions and has demanded holistic planning measures from the city administration, this is baffling at best. The Council should at minimum consult with appropriate professional associations, including landscape architects, civil engineers and architects, taking into account their recommendations and taking such measures as are reasonable and necessary if this bill is to move forward.

Thank you for the opportunity to share these concerns with the committee.

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