



ZONING DIVISION

Marisa Lago, *Director*
Department of City Planning

October 23, 2020

Re: N 210095 ZRY- Proposed Zoning for Coastal Flood Resiliency Citywide Text Amendment

Dear New Yorker:

On October 19, 2020, the Department of City Planning referred out the Zoning for Coastal Flood Resiliency (ZCFR) Citywide Text Amendment (N 210095 ZRY), beginning the public review process.

The proposed zoning text amendment would make permanent and improve upon the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4) of the New York City Zoning Resolution to remove zoning barriers that hinder the reconstruction and retrofitting of buildings to resiliency standards and to help ensure that new construction will be more resilient. In addition, ZCFR would include citywide provisions to help sites provide back-up energy, and rules that help the City recover from future disasters, including provisions intended to help address the COVID-19 pandemic and its associated economic effects.

Please refer to the digital application in this transmission for a more detailed description of the proposed amendment. Additional information on the proposal is available on the Department of City Planning's website.

The application for the zoning text amendment (N 210095 ZRY) is subject to your review. Zoning text amendments are not subject to the Uniform Land Use Review Procedure. The Department of City Planning is referring this application to the affected Community Boards for 60 days. If you have any comments or recommendations on this application, please use the attached instructions to complete your submission by December 28, 2020.

Sincerely,

A handwritten signature in black ink, appearing to be 'FR' or similar, written in a cursive style.

Frank Ruchala Jr.
Director, Zoning Division

Frank Ruchala Jr., *Director, Zoning Division*
Chris Hayner, *Deputy Director, Zoning Division*
Eva Merlo, *Zoning Information Desk Administrator*
120 Broadway – 31st Floor, New York, N.Y. 10271-0001
Tel (212) 720-3325 - Fax (212) 720-3244

ENCLOSURE

C: Ryan Singer, DCP
Borough Presidents of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island
Borough Boards of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island
Bronx Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Brooklyn Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
Manhattan Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Queens Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
Staten Island Community Boards: 1, 2, 3
Department of Buildings
Board of Standards and Appeals
City Council, Land Use Division

Frank Ruchala Jr., *Director, Zoning Division*
Chris Hayner, *Deputy Director, Zoning Division*
Eva Merlo, *Zoning Information Desk Administrator*
120 Broadway – 31st Floor, New York, N.Y. 10271-0001
Tel (212) 720-3325 - Fax (212) 720-3244



City Planning will assign and stamp reference numbers here

Land Use Review Application

Department of City Planning120 Broadway, 31st Floor, New York, NY 10271

1.

APPLICANT AND APPLICANT'S REPRESENTATIVES

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

Department of City Planning

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *120 Broadway, 31st floor

STREET ADDRESS

New YorkNY10271

CITYSTATEZIP

212-720-3300

AREA CODETELEPHONE #FAX#

APPLICANT'S PRIMARY REPRESENTATIVE

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS

CITYSTATEZIP

AREA CODETELEPHONE #FAX#

* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)TELEPHONE #FAX #

2.

SITE DATA

(If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

STREET ADDRESS

Zoning for Coastal Flood Resiliency

PROJECT NAME (IF ANY)

Citywide Zoning Text Amendment

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)ZONING SECTIONAL MAP NO(S).

TAX BLOCK AND LOT NUMBERBOROUGHCOMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO ☐ YES ☐ IF YES, IDENTIFY

3.

DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

see attached description

4.

ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

* No supplemental form required

☐ CHANGE IN CITY MAP.....MM

☐ ZONING MAP AMENDMENT.....ZM

☒ ZONING TEXT AMENDMENT..... ZR

☐ ZONING SPECIAL PERMIT.....ZS

☐ ZONING AUTHORIZATION.....ZA

☐ ZONING CERTIFICATION.....ZC

☐ PUBLIC FACILITY, SEL../ACQ.....PF

☐ DISPOSITION OF REAL PROP.....PP

☐ URBAN DEVELOP=T ACTION.....HA

☐ URBAN RENEWAL PROJECT.....*

☐ HOUSING PLAN & PROJECT.....*

☐ FRANCHISE.....*

☐ REVOCABLE CONSENT.....*

☐ CONCESSION.....*

☐ LANDFILL.....*

☐ OTHER (Describe)

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

☐ MODIFICATION

\$

☐ FOLLOW-UP

\$

☐ RENEWAL

APPLICATION NO.

\$

☐ OTHER

APPLICATION NO.

\$

SPECIFY

TOTAL FEE (For all actions)

\$ 0

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

☒ City Agency

Has pre-application meeting been held? ☒ NO ☐ YES

If yes

DCP Office/Representative

Date of meeting

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)

LEAD AGENCYCity Planning CommissionCEQR NUMBER19DCP192Y

TYPE OF CEQR ACTION:

☐ TYPE II

☒ TYPE I

☐ UNLISTED

Type II category:Has EAS been filed?If yes, Date EAS filed:

Yes

No

Yes

No

Date determination was made:

Has CEQR determination been made?

Yes

No

If yes, what was determination?

Negative Declaration

CND

Positive Declaration

Date determination made:May 10, 2019(Attach Copy)

If Positive Declaration, has PDEIS been filed?

Yes

Has Notice of Completion (NOC) for DEIS been issued?

Yes

If yes, attach copy.

If PDEIS has not been filed, has final scope been issued?

Yes

If yes, date issued:10 / 16 / 20

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No Yes

7. RELATED ACTIONS BY CITY PLANNING

APPLICATION NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
N 150302 ZRY	Special Regulations for Neighborhood Recovery	9	6/17/2015
N 130331(A) ZRY	Flood Resilience Text Amendment	12	9/11/2013

8. RELATED ACTIONS BY OTHER AGENCIES

REFERENCE NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
---------------	---------------------------------	----------	------

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10. APPLICANT (Attach authorizing resolution(s), if applicable)

Frank Ruchala Jr.

10 / 16 / 20

NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVESIGNATURE OF APPLICANTDATE

Zoning Director, Department of City Planning

APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS (Attach authorizing resolution(s), if applicable)

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE

SIGNATURE OF CO-APPLICANT

DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESSCITYSTATEZIPTEL.NO.FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE

SIGNATURE OF CO-APPLICANT

DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESSCITYSTATEZIPTEL.NO.FAX

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.

City Map Change

MM

Proposed City Map Change
(Check appropriate boxes)

APPLICATION NO

1. ESTABLISH NEW.....☐ STREET☐ PARK☐ PUBLIC PLACE☐ GRADE

2. ELIMINATE EXISTING.....☐ STREET☐ PARK☐ PUBLIC PLACE☐ GRADE

3. CHANGE EXISTING STREET.....☐ WIDTH☐ ALIGNMENT☐ GRADE

4. EASEMENT
Delineate New.....☐ Remove Existing.....☐ Modify Existing.....☐

5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY☐

Zoning Map Change

ZM

Proposed Zoning Map Change(s)

APPLICATION NO

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1FROM:EXISTINGTO:PROPOSED

CHANGE #2FROM:EXISTINGTO:PROPOSED

CHANGE #3FROM:EXISTINGTO:PROPOSED

CHANGE #4FROM:EXISTINGTO:PROPOSED

CHANGE #5FROM:EXISTINGTO:PROPOSED

Zoning Text Amendment

ZR

Affected Zoning Resolution (ZR) Sections

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION NUMBERZONING RESOLUTION SECTION TITLE

see attached



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

May 10, 2019

POSITIVE DECLARATION

Project Identification

Zoning for Coastal Flood Resiliency
CEQR No. 19DCP192Y
ULURP No. Pending
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway
New York, NY 10271
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal:

Zoning for Coastal Flood Resiliency

The New York City Department of City Planning (DCP), the Applicant, is proposing a zoning text amendment (the "Proposed Action") to the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4, "Special Regulations Applying in Flood Hazard Areas," of the New York City Zoning Resolution (ZR), to update and make permanent the provisions in the "Flood Resilience Zoning Text", adopted in 2013, and "Special Regulations for Neighborhood Recovery," adopted in 2015. These temporary measures were adopted on an emergency basis after Hurricane Sandy hit New York City in 2012 to advance the reconstruction of storm-damaged properties, and enable new and existing buildings to comply with flood-resistant construction standards set forth in Appendix G of the New York City Building Code. The Proposed Action affects New York City's 1% annual chance floodplain and 0.2% annual chance floodplain, and select provisions would be applicable citywide. The Proposed Action provides homeowners, business owners, and practitioners working in the City's floodplains the option to design or otherwise retrofit buildings to reduce damage from future flood events, become flood resilient in the long-term, and save on long-term flood insurance costs, and would improve the ability of the City's many flood-prone neighborhoods to withstand and recover quickly from future storms.

The Proposed Action includes a Zoning Text Amendment that would update the Special Regulations Applying in Flood Hazard Areas (Article XI Chapter 4) of the New York City Zoning Resolution (ZR). The Proposed Action would mostly affect the city's 1% annual chance floodplain and 0.2% annual chance floodplain, in addition to selected provisions that will be applicable citywide, affecting all five Boroughs and the City's 59 Community Districts.

Olga Abinader, *Acting Director*
120 Broadway, 31st Floor, New York, NY 10271
(212) 720-3493
oabinad@planning.nyc.gov

Current regulations applicable to buildings in the floodplain have, at times, posed conflicts with certain other zoning regulations, as they change the way most buildings in NYC are structurally designed and internally configured. Following Hurricane Sandy in October 2012, due to the urgency of removing these regulatory barriers to allow the city to rebuild, the Mayor signed an Executive Order No. 230, which suspended height and other restrictions to the extent necessary to allow buildings to be rebuilt to the latest flood-resistant construction standards. The Executive Order was by its nature an interim measure which needed to be codified by a zoning text amendment. This action was subsequently replaced by the 2013 Flood Text, which was adopted by the City Council on October 9, 2013.

The 2013 Flood Text amended zoning regulations in the ZR to remove obstacles to creating flood-resilient buildings by, for example, allowing height to be measured from the Design Flood Elevation (DFE) to allow buildings to meet flood-resistant construction standards. The Design Flood Elevation is the minimum elevation to which a structure must be elevated or floodproofed. The 2015 Recovery Text simplified the process for old buildings to document non-compliances with the Zoning Resolution, and established new rules that allow damaged homes located within narrow and small lots to be reconstructed. Both zoning changes were adopted on a temporary, emergency basis and are set to expire in the next few years. The 2013 Flood Text expires within one year of the adoption of new Flood Insurance Rate Maps (FIRMs), which is in the process of being revised by the Federal Emergency Management Agency (FEMA) in the near future. The 2015 Recovery Text is set to expire in 2020.

The Proposed Action would modify and improve upon existing provisions that the prior Flood Text amendments created. Once adopted, the updated regulations would be permanently amended to the ZR. The Proposed Action includes modifications to the applicable geography based on the updated floodplain, changes to building envelope and design, location of permitted uses within buildings, and placement of permitted obstruction regulations. The Proposed Action also includes provisions to modify existing special permits that are granted by the Board of Standards and Appeals (BSA) to facilitate resiliency investments in unique conditions, in addition to the creation of a new BSA special permit that would provide a wider range of use alternatives for the ground-floors of residential buildings. These future BSA approvals are being considered in a conceptual analysis. The Proposed Action would also include a provision for a future discretionary special permit that is authorized by the City Planning Commissions (CPC) to facilitate future recovery efforts. To address concerns regarding vulnerable uses in the floodplain, the Proposed Action may also limit nursing homes in a subject area.

In addition to the Proposed Action, DCP proposes neighborhood-specific zoning text and map changes in four neighborhoods (New Dorp Beach in Staten Island, Old Howard Beach in Queens and Gerritsen Beach and Sheepshead Bay in Brooklyn), intended to address resiliency challenges that are specific to the conditions in these areas. These applications are currently in the Pre-Certification process. These related actions will reach public review concurrently with the Proposed Action and their effects will be analyzed as part of separate environmental reviews.

The Proposed Action is not expected to cause a significant change in the overall amount, type, or location of development. This proposal is also not expected to induce development where it would not have occurred absent the Proposed Action.

The analysis year for the Proposed Action is 2029.

Statement of Significant Effect:

On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning and public policy.
2. The actions, as proposed, may result in significant adverse impacts related to socioeconomic conditions.
3. The actions, as proposed, may result in significant adverse impacts related to community facilities.
4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space.
5. The actions, as proposed, may result in significant adverse shadow impacts.
6. The actions, as proposed, may result in significant adverse impacts related to historic and cultural resources.
7. The actions, as proposed, may result in significant adverse impacts related to urban design and visual resources.
8. The actions, as proposed, may result in significant adverse impacts related to natural resources.
9. The actions, as proposed, may result in significant adverse impacts related to hazardous materials.
10. The actions, as proposed, may result in significant adverse impacts related to water and sewer infrastructure.
11. The actions, as proposed, may result in significant adverse impacts related to solid waste and sanitation services.
12. The actions, as proposed, may result in significant adverse impacts related to transportation.
13. The actions, as proposed, may result in significant adverse impacts related to energy demand.
14. The actions, as proposed, may result in significant adverse impacts to air quality.
15. The actions, as proposed, may result in significant adverse impacts to greenhouse gas emissions and climate change.
16. The actions, as proposed, may result in significant adverse noise impacts.
17. The actions, as proposed, may result in significant adverse public health impacts.
18. The actions, as proposed, may result in significant adverse impacts related to neighborhood character.
19. The actions, as proposed, may result in significant adverse construction-related impacts.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. Land Use, Zoning and Public Policy – The proposed action would result in a change to zoning.
2. Socioeconomic Conditions – The proposed action could result in effects to socioeconomic conditions.
3. Community Facilities – The proposed action could result in effects to community facilities.
4. Open Space – The proposed action could result in effects to result in effects to open space.
5. Shadows – The proposed action could result in effects to shadows.
6. Historic and Cultural Resources – The proposed action could result in building enlargements within close proximity to known architectural or archaeological resources.
7. Urban Design and Visual Resources – The proposed action could change the urban design and visual character of the affected area.
8. Natural Resources - The proposed action could result in building enlargements within close proximity to natural resources.
9. Hazardous Materials – The proposed action could result in building enlargements and in-ground disturbance within the affected area.
10. Water and Sewer Infrastructure – The proposed action could result in increased water demand.
11. Solid Waste and Sanitation Services – The proposed action could result in increased solid waste and demand for sanitation services.
12. Energy – The proposed action could result in increased energy consumption.
13. Transportation – The proposed action could generate vehicular traffic and increase demand for parking, pedestrian traffic and subway and bus riders.
14. Air Quality – The proposed action could result in mobile and stationary air quality effects.
15. Greenhouse Gas Emissions and Climate Change– The proposed action could generate greenhouse gas emissions.
16. Noise – The proposed action could have the potential to result in mobile and stationary source noise impacts.
17. Public Health – The proposed action could result in effects related to air quality, hazardous materials or noise; Consequently public health may be affected.
18. Neighborhood Character – The proposed action could affect socioeconomic conditions, urban design and visual resources, historic and cultural resources, transportation and noise; consequently, the affected area's neighborhood character may be affected.
19. Construction – Potential significant adverse impacts related to architectural resources and transportation, air quality, noise, hazardous materials and natural resources could also result in construction impacts.
20. The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

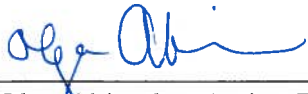
Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting will be held on Thursday, June 13 at 3:30 PM at the New York City Department of City Planning, City Planning Commission Hearing Room, 120 Broadway, Concourse Level, New York, New York, 10271. Written comments will be accepted by the lead agency through Thursday, June 27, 2019.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Annabelle Meunier, at (212) 720-3426.



Olga Abinader, Acting Director
Environmental Assessment & Review Division
New York City Department of City Planning

May 10, 2019

Date