



IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
 - a. Gerritsen Avenue, Bijou Avenue, Aster Court, and Allen Avenue;
 - b. Gerritsen Avenue, Devon Avenue, Aster Court, and Channel Avenue; and
 - c. Gerritsen Avenue, Bartlett Place, a line 100 feet southwesterly of Gerritsen Avenue, Florence Avenue, Aster Court, and Everett Avenue;
2. eliminating from within an existing R4 District a C2-2 District bounded by Gerritsen Avenue, Everett Avenue, Aster Court, and Devon Avenue;
3. changing from an R4 District to an R4-1 District property bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly prolongation, the centerline of Canal and its southwesterly prolongation, Knight Court and its southeasterly centerline prolongation, Everett Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Fane Court and Garland Court, a line midway between Channel Avenue and Devon Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Channel Avenue, Dictum Court, Bijou Avenue, Ebony Court, and Allen Avenue;
4. changing from a C3 District to an R4-1 District property bounded by:
 - a. Dictum Court, Channel Avenue, a line midway between Dictum Court and Ebony Court, and Bijou Avenue;
 - b. Channel Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ebony Court and Fane Court; and

- c. Devon Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ira Court and Joval Court;
- 5. changing from an R4 District to a C3A District property bounded by:
 - a. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ebony Court and Fane Court, and a line midway between Channel Avenue and Devon Avenue;
 - b. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Fane Court and Garland Court, and Devon Avenue; and
 - c. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ira Court and Joval Court, and Everett Avenue;
- 6. changing from a C3 District to an C3A District property bounded by Allen Avenue, Ebony Court, Bijou Avenue, a line midway between Dictum Court and Ebony Court, Channel Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Knight Court and its southeasterly centerline prolongation, the centerline of Canal and its southwesterly prolongation, the centerline of Shell Bank Creek and its northerly prolongation, Avenue X, Knapp Street, and Allen Avenue;
- 7. establishing within an existing R4 District a C2-3 District bounded by:
 - a. Gerritsen Avenue, Bijou Avenue, a line midway between Gerritsen Avenue and Aster Court, and Allen Avenue; and
 - b. Gerritsen Avenue, Bartlett Place, a line 50 feet southwesterly of Gerritsen Avenue, Florence Avenue, a line midway between Gerritsen Avenue and Aster Court, and Channel Avenue; and
- 8. establishing a Special Coastal Risk District bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and

northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly and northerly prolongations, Avenue X, Knapp Street and Allen Avenue; Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated October 19, 2020.

This application for a zoning map amendment was filed by the New York City Department of City Planning on October 16, 2020, in conjunction with the related zoning text amendment (N 210131 ZRK), which will affect all or portions of 20 blocks in the neighborhood of Gerritsen Beach in Brooklyn Community District 15.

RELATED ACTION

In addition to the zoning map amendment (C 210130 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 210131 ZRK Zoning text amendment (ZR 137-00) to designate a new Special Coastal Risk District.

BACKGROUND

The New York City Department of City Planning (DCP) seeks a zoning map amendment (C 210130 ZMK) and related zoning text amendment (N 210131 ZRK) in the Gerritsen Beach neighborhood of Brooklyn. Together, these applications aim to improve flood resiliency by establishing zoning districts and a special zoning designation that will limit the scale of future development and allow for adaptation over time.

Gerritsen Beach is a maritime community in Southern Brooklyn, located in a low-lying area along Plumb Beach Channel. Over 5,000 residents live on the Gerritsen Beach peninsula south of Allen Avenue. The neighborhood shares the peninsula with part of Marine Park, Brooklyn's largest park by acreage with extensive recreational spaces and natural land.

Like much of the land along Jamaica Bay, Gerritsen Beach was mostly marshland prior to development. The Gerritsen Beach area remained largely undeveloped until the early 20th

century when Realty Associates, a real estate builder, developed a summer resort of one-story bungalows at the southern end of the peninsula. The development gained popularity and by the 1930s, the rest of the peninsula was occupied with summer bungalows built close to each other on small lots with no yards. Over time, the seasonal buildings were converted to year-round two-story residences. In 1961, the area was zoned C3 and R3-2, with C1-2 and C2-2 commercial overlays on several blocks of Gerritsen Avenue. The R3-2 district was rezoned to R4 in 1964.

Gerritsen Beach is an area of high flood risk. The neighborhood faces flood hazards from storm surges generated from large storm events, and almost all of Gerritsen Beach was inundated during Hurricane Sandy. According to projections by the New York Panel on Climate Change, conditions of tidal flooding affecting Gerritsen Beach are likely to become more severe over time with projected sea level rise. Some portions of the neighborhood are likely to experience daily tidal flooding by the 2050s and 2080s. Additionally, constrained street and drainage infrastructure exacerbate the risk and impacts of flooding in Gerritsen Beach.

Climate change and sea level rise will reshape New York City's waterfront and lead to increased risks of flooding. To reduce these risks, the City is updating its regulations for how existing buildings are designed and new development occurs throughout the floodplain. Reducing flood risks to New York City's building stock through resilient design measures is part of the City's multifaceted plan for resiliency, along with enhancing coastal protections, hardening infrastructure systems, and promoting community preparedness.

Following Hurricane Sandy, DCP advanced a citywide text amendment (N 130331[A] ZRY) on an emergency basis to facilitate the rebuilding process by addressing the most urgent zoning barriers. In 2014, DCP released the *Retrofitting for Flood Risk* manual, which details resilient retrofit strategies for a range of building types that are unique to New York City. On a regular basis, DCP also worked closely with other City agencies, including the Housing Recovery Office and Mayor's Office of Resiliency, on programs to assist community recovery and build coastal resiliency. Through this work, DCP found that additional zoning changes would be necessary to allow property owners to build and retrofit to limit damage from floods and to reduce insurance costs, as well as to ensure that development would be responsive to neighborhood character and

align with the need for long-term adaptation. DCP is currently also proposing a permanent, citywide text amendment, Zoning for Coastal Flood Resiliency (ZCFR) (N 210095 ZRY). This amendment is intended to update the 2013 and 2015 flood text provisions that were adopted temporarily to aid in Sandy recovery, while making selected provisions permanent. ZCFR's four main objectives are to encourage resiliency throughout the city's 1% and 0.2% annual chance floodplains, support long-term resilient design of all building types by offering flexibility in the zoning framework, allow for adaptation over time through partial resiliency strategies, and facilitate future storm recovery by reducing regulatory obstacles. The proposed actions in Gerritsen Beach complement ZCFR, and the proposals are intended to work in tandem. However, ZCF and the proposed actions for Gerritsen Beach are two separate actions under separate public review, and they can function independently.

In 2013, DCP launched Resilient Neighborhoods, a place-based planning initiative to identify local strategies to support the vitality and resiliency of neighborhoods within the city's floodplain. Through that initiative, Gerritsen Beach was identified as among the most vulnerable neighborhoods in the city to flooding, and as constrained in its potential for resilient redevelopment by its land use and zoning conditions. As such, the proposed actions are responsive to these risks and the findings of the Resilient Neighborhoods study. DCP developed this zoning proposal through close coordination with a Community Advisory Committee whose members included representatives from Community Board 15, the Gerritsen Beach Property Owners Association, Gerritsen Beach Cares, and local elected officials.

Today, Gerritsen Beach is a residential neighborhood predominantly characterized by single-family detached homes, with some semi-detached and attached two- to three-story buildings in the northern portion of the neighborhood and one-story commercial buildings along Gerritsen Avenue, the community's only commercial corridor. The waterfront in Gerritsen Beach remains active: Plumb Beach Channel is used for recreational boating and fishing, and residents have boats docked along Shell Bank Creek as well as the inner canal. Shore Parkway is located to the south and east of Gerritsen Beach, providing access to western Brooklyn and Queens. Two Metropolitan Transportation Authority bus routes run along Gerritsen Avenue: the BM4

Gerritsen Beach - Downtown/Midtown express line and the B31 Gerritsen Beach - Kings Highway Station line.

The majority of Gerritsen Beach is zoned as an R4 district. R4 districts are lower-density residential zoning districts that allow residential buildings at a maximum floor area ratio (FAR) of 0.75, plus an attic allowance of up to 20 percent, while community facility buildings are allowed at a maximum FAR of 2.0. One off-street parking space is required for each dwelling unit. The minimum required lot area is 3,800 square feet for detached residences and 1,700 square feet for other residences. The minimum lot width for a detached house is 40 feet, or 18 feet for other residences. Front yards must be at least 10 feet deep, and side yards must total 13 feet for detached houses, eight feet for semi-detached buildings, and 16 feet for other multi-family buildings. However, the majority of lots in Gerritsen Beach were established and homes constructed before these dimensional requirements were put in place, leaving homes with shallow front and side yards.

Several waterfront blocks in the northern portion of the neighborhood are currently zoned C3. Uses permitted in C3 zoning districts include facilities to support boating and fishing activities, as well as aquatic sports equipment sales and rentals, ice cream shops, and other small retail. The commercial FAR permitted in C3 districts is 0.5. Commercial buildings may be no more than two stories or 30 feet high. Off-street parking is required, according to the specific commercial use. Residential developments and community facilities are also permitted in C3 districts, as per R3-2 zoning district regulations. R3-2 zoning districts allow for a variety of building types including single- and two-family homes as well as low-rise attached houses and small multi-family apartment houses. Residential buildings are allowed at a maximum FAR of 0.5, plus an attic allowance of up to 20 percent, while community facility buildings are allowed at a maximum FAR of 1.0. One off-street parking space is required for each dwelling unit. The minimum required lot area is 3,800 square feet for detached residences and 1,700 square feet for other residences. Front yards must be at least 15 feet deep, and side yards must total 13 feet for detached houses, eight feet for semi-detached buildings, and 16 feet for other multi-family buildings. However, as in the R4 area of the neighborhood, most homes in the C3 area were

constructed before these zoning requirements were in place, and the front and side yard requirements can be impractical on these small lots.

C1-2 commercial overlays are mapped along five blocks adjacent to Gerritsen Avenue, covering portions of the corridor's frontage between Allen Avenue and Bartlett Place. A C2-2 commercial overlay is mapped along one block adjacent to Gerritsen Avenue, between Devon and Everett avenues. C1 overlays are typically mapped within residential districts to allow a range of local retail and service establishments to serve the surrounding neighborhood. When C1 and C2 overlay districts are mapped within R1 through R5 residential districts, the maximum commercial FAR is 1.0, with commercial uses limited to the first floor in mixed-use buildings. Off-street parking requirements vary with the use; most retail uses generally require one accessory parking space per 300 square feet of commercial floor space. For C1-2 and C2-2 overlays, if the number of spaces required is less than 15, the parking requirements are waived.

The proposed actions, which would apply to 2,052 lots, are intended to address resiliency concerns in a neighborhood vulnerable to coastal flooding. New zoning districts and a new Special Coastal Risk District would limit vulnerability to coastal flooding by reducing future density and promoting resilient buildings reflective of existing context and unique lot conditions in Gerritsen Beach. Additionally, the proposed changes would expand permitted commercial uses to include home maintenance and repair services that would be helpful in storm preparation or recovery.

An R4-1 zoning district is proposed for the majority of the project area. R4-1 zoning districts permit one- and two-family detached, zero lot line, and semi-detached residential buildings. The maximum FAR is 0.9, which includes a 0.15 attic allowance. The minimum required lot area is 2,375 square feet and the minimum lot width is 25 feet for detached and zero lot line buildings. For semi-detached buildings, the minimum required lot area is 1,700 square feet and the minimum lot width is 18 feet. One off-street parking space is required for each dwelling unit. Community facilities are permitted at a maximum FAR of 2.0. No new attached or multi-family development would be allowed in the proposed R4-1 district. Reduced side yard requirements

would allow for a more efficient building layout and more contextual flood-resistant development in Gerritsen Beach.

C3A zoning would replace the C3 district designation on blocks along the Plumb Beach Channel waterfront, some of which currently provide maritime commercial services. C3A zoning districts allow for certain commercial development and residential construction under R3A regulations. C3A districts allow waterfront recreational activities, primarily boating and fishing, in areas along the waterfront that are usually adjacent to residential docks. Permitted activities include facilities for docking, renting, servicing and storing fishing and pleasure boats; aquatic sports equipment sales and rentals; bicycle shops; ice cream stores; and public and private beaches. The maximum commercial FAR is 0.5. Under C3A, the existing mix of water-dependent and residential properties would remain in conformance with zoning and would not face obstacles from zoning if they were to undergo resilient retrofits. R3A districts permit one- and two-family detached residential buildings. The maximum FAR is 0.6, which includes a 20 percent attic allowance. The minimum required lot area is 2,375 square feet, and the minimum lot width is 25 feet. One off-street parking space is required for each dwelling unit. Community facilities are permitted at an FAR of 1.0.

Blocks that do not directly abut the waterfront or provide maritime commercial services, which are presently zoned as a mix of R4 and C3 districts, would be rezoned to R4-1 to match their existing conditions while limiting uses to residential, which is appropriate for non-waterfront blocks.

An update of Gerritsen Avenue's C1-2 and C2-2 commercial overlays to C2-3 is proposed to allow for expanded commercial services in the neighborhood and reduce the off-street parking requirement. C2-3 allows for commercial development that serves the local retail and service needs of communities and has an FAR of 1.0 when mapped in R1 through R5 districts. Permitted uses include grocery stores, restaurants, salons, drug stores, repair services, movie theaters, and funeral homes. The C2-3 overlay generally requires one space for every 400 square feet of commercial floor area. In C2-3 overlays, if the number of spaces required is less than 25, the parking requirement is waived. The new C2-3 overlay would allow for a wider range of uses,

including home maintenance and repair services such as plumbing and electrical and appliance repair. This zoning change is intended to allow for the future occupation of retail spaces by businesses that could serve Gerritsen Beach residents, especially in the aftermath of a storm. By raising the parking waiver threshold, the C2-3 overlay would reduce future off-street parking requirements for the affected block fronts. Additionally, the existing commercial overlay areas fronting Gerritsen Avenue are proposed to be reduced from a full-block depth to a half-block depth to ensure that future commercial development is limited appropriately to Gerritsen Avenue and does not encroach on adjacent narrow residential streets.

The proposed R4-1 and C3 districts would be further modified by the proposed Gerritsen Beach Special Coastal Risk District. The proposed zoning text amendment (N 210131 ZRK) would create a Special Coastal Risk District (ZR 137-00) to highlight the area's exceptional flood risk. The proposed Gerritsen Beach Special Coastal Risk District would limit the proposed underlying R4-1 and C3A zoning to restrict future residential development to single-family detached houses on lots less than 3,000 square feet. One- and two-family development would be allowed on larger lots. This provision, in combination with the rezoning to R4-1 and C3A, would maintain appropriate limits on density and improve the overall resiliency of the neighborhood by limiting growth in areas of present and future high flood risk. Additionally, the Special Coastal Risk District would modify the building height limit to 25 feet and two stories, consistent with the Cottage Envelope proposed to be permitted through ZCFR.

ENVIRONMENTAL REVIEW

This application (C 210130 ZMK) and the related application (N 210131 ZRK) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 21DCP051K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 19, 2020.

UNIFORM LAND USE REVIEW

This application (C 210130 ZMK) was certified as complete by the Department of City Planning (DCP) on October 19, 2020, and was duly referred to Brooklyn Community Board 15 and the Brooklyn Borough President, in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the application for the related action (N 210131 ZRK), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 15 held a public hearing on the application (C 210130 ZMK) and the related action (N 210131 ZRK) on November 17, 2020, and, on that date, by a vote of 41 in favor, none opposed, and none abstaining, adopted a resolution to approve the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on the application (C 210130 ZMK) and the related action (N 210131 ZRK) on November 30, 2020, and on January 21, 2021, issued a recommendation approving the application.

City Planning Commission Public Hearing

On January 20, 2021 (Calendar No. 2), the City Planning Commission scheduled February 3, 2021, for a public hearing on this application (C 210130 ZMK) and the related action (N 210131 ZRK). The hearing was duly held on February 3, 2021 (Calendar No. 24 and Calendar No. 25). There were no speakers on this application.

WATERFRONT REVITALIZATION PROGRAM

This application (C 210130 ZMK) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 19-180. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application (C 210130 ZMK) for a zoning map amendment and the associated application (N 210131 ZRK) for a text amendment are appropriate.

Gerritsen Beach's unique built characteristics – including irregular, small lots; narrow streets, the conversion of vacation homes to year-round residences, among others – require individualized land use actions to improve resiliency. The proposed actions provide the targeted, neighborhood-specific planning that Gerritsen Beach needs. With the neighborhood at risk of future flooding, both from severe storms and daily tidal flooding, there is an urgency to ensuring that the zoning regulations here promote, rather than hinder, resiliency.

The goal of the proposed actions is to limit flood vulnerability and promote resilient buildings in an area of the city that is among the most vulnerable to future flooding, and will guide future development in a manner that is consistent with the built character of the area. Gerritsen Beach's current R4 zoning has been in place since 1964, and the C3 zoning and C1-2 and C2-2 commercial overlays have been in place since 1961. The proposed R4-1 and C3A zoning districts and proposed Special Coastal Risk District will restrict the scale and density of future residential development in a high-risk area. The new bulk regulations will ensure that the design of future flood-resistant homes is contextual and appropriate for the small lot and narrow street conditions in Gerritsen Beach. Additionally, the change in commercial overlays on Gerritsen Avenue, from C1-2 and C2-2 to C2-3, will newly allow businesses that aid in storm preparation, recovery, and rebuilding.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further.

RESOLVED, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further.

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
 - a. Gerritsen Avenue, Bijou Avenue, Aster Court, and Allen Avenue;
 - b. Gerritsen Avenue, Devon Avenue, Aster Court, and Channel Avenue; and
 - c. Gerritsen Avenue, Bartlett Place, a line 100 feet southwesterly of Gerritsen Avenue, Florence Avenue, Aster Court, and Everett Avenue;
2. eliminating from within an existing R4 District a C2-2 District bounded by Gerritsen Avenue, Everett Avenue, Aster Court, and Devon Avenue;
3. changing from an R4 District to an R4-1 District property bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly prolongation, the centerline of Canal and its southwesterly prolongation, Knight Court and its southeasterly centerline prolongation, Everett Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Fane Court and Garland Court, a line midway between Channel Avenue and Devon Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Channel Avenue, Dictum Court, Bijou Avenue, Ebony Court, and Allen Avenue;
4. changing from a C3 District to an R4-1 District property bounded by:
 - a. Dictum Court, Channel Avenue, a line midway between Dictum Court and Ebony Court, and Bijou Avenue;

- b. Channel Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ebony Court and Fane Court; and
 - c. Devon Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ira Court and Joval Court;
- 5. changing from an R4 District to a C3A District property bounded by:
 - a. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ebony Court and Fane Court, and a line midway between Channel Avenue and Devon Avenue;
 - b. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Fane Court and Garland Court, and Devon Avenue; and
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- 6. changing from a C3 District to an C3A District property bounded by Allen Avenue, Ebony Court, Bijou Avenue, a line midway between Dictum Court and Ebony Court, Channel Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Knight Court and its southeasterly centerline prolongation, the centerline of Canal and its southwesterly prolongation, the centerline of Shell Bank Creek and its northerly prolongation, Avenue X, Knapp Street, and Allen Avenue;
- 7. establishing within an existing R4 District a C2-3 District bounded by:
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 - b. Gerritsen Avenue, Bartlett Place, a line 50 feet southwesterly of Gerritsen Avenue, Florence Avenue, a line midway between Gerritsen Avenue and Aster Court, and Channel Avenue; and

8. establishing a Special Coastal Risk District bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly and northerly prolongations, Avenue X, Knapp Street and Allen Avenue;

Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated October 19, 2020.

The above resolution (C 210130 ZMK), duly adopted by the City Planning Commission on March 17, 2021 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, CHAIR
KENNETH J. KNUCKLES, ESQ., VICE CHAIRMAN
DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,
JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, COMMISSIONER

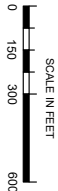
CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

29a

BOROUGH OF
BROOKLYN

S. Leonard, Director
Technical Review Division

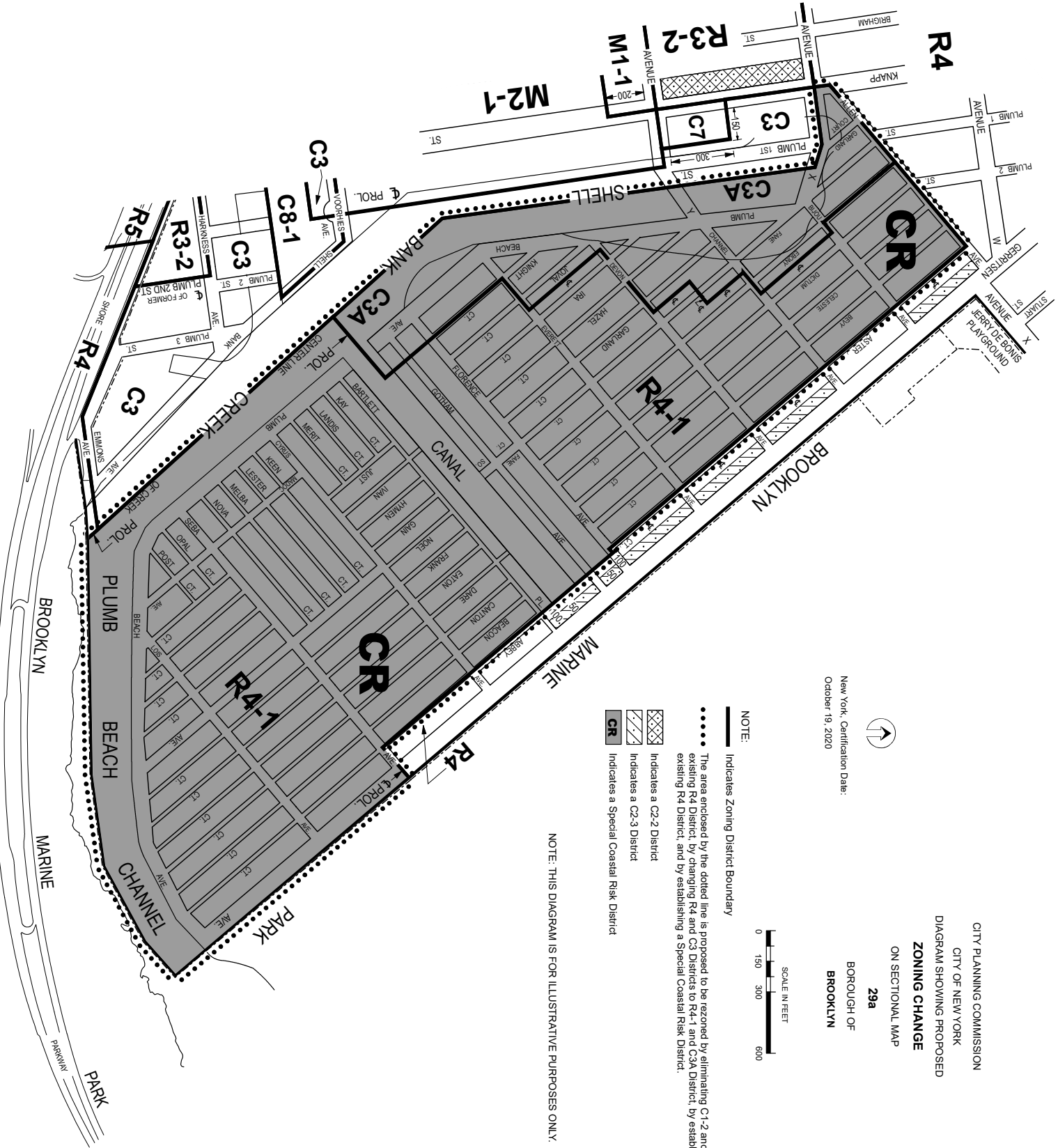
New York, Certification Date:
October 19, 2020



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by eliminating C-1-2 and C-2-2 Districts from within an existing R4 District, by changing R4 and C3 Districts to R4-1 and C3A District, by establishing C2-3 Districts within a existing R4 District, and by establishing a Special Coastal Risk District.
- ▨ Indicates a C2-2 District
- ▧ Indicates a C2-3 District
- CR Indicates a Special Coastal Risk District

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.





BOROUGH PRESIDENT RECOMMENDATION

Project Name: Resilient Neighborhoods: Gerritsen Beach	
Applicant: DCP - Department of City Planning Brooklyn Office	Applicant's Administrator: DCP - Department of City Planning Brooklyn Office
Application # 210130ZMK	Borough: Brooklyn
CEQR Number: 21DCP051K	Validated Community Districts: K15

Docket Description:

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 - c. Gerritsen Avenue, Bartlett Place, a line 100 feet southwesterly of Gerritsen Avenue, Florence Avenue, Aster Court, and Everett Avenue;
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4. changing from a C3 District to an R4-1 District property bounded by:
 - a. Dictum Court, Channel Avenue, a line midway between Dictum Court and Ebony Court, and Bijou Avenue;
 - b. Channel Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ebony Court and Fane Court; and
 - c. Devon Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ira Court and Joval Court;
5. changing from an R4 District to a C3A District property bounded by:
 - a. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ebony Court and Fane Court, and a line midway between Channel Avenue and Devon Avenue;
 - b. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Fane Court and Garland Court, and Devon Avenue; and
 - c. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ira Court and Joval Court, and Everett Avenue;
6. changing from a C3 District to an C3A District property bounded by Allen Avenue,

BOROUGH PRESIDENT RECOMMENDATION



Ebony Court, Bijou Avenue, a line midway between Dictum Court and Ebony Court, Channel Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Knight Court and its southeasterly centerline prolongation, the centerline of Canal and its southwesterly prolongation, the centerline of Shell Bank Creek and its northerly prolongation, , Avenue X, Knapp Street, and Allen Avenue;

7. establishing within an existing R4 District a C2-3 District bounded by:

- a. Gerritsen Avenue, Bijou Avenue, a line midway between Gerritsen Avenue and Aster Court, and Allen Avenue; and
- b. Gerritsen Avenue, Bartlett Place, a line 50 feet southwesterly of Gerritsen Avenue, Florence Avenue, a line midway between Gerritsen Avenue and Aster Court, and Channel Avenue; and

8. establishing a Special Coastal Risk District bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly and northerly prolongations, Avenue X, Knapp Street and Allen Avenue; Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated October 19, 2020.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	BK BP	Date: 1/22/2021 12:00 AM
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Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

CalendarOffice@planning.nyc.gov

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: Resilient Neighborhoods: Gerritsen Beach and Sheepshead Bay (210130 ZMK, 210131 ZRK & 210132 ZRK)

Applications by the New York City Department of City Planning (DCP) for zoning map and text amendments to ensure flood resiliency of future development in the Gerritsen Beach and Sheepshead Bay neighborhoods of Brooklyn Community District 15 (CD 15). Such actions would change the zoning on approximately 20 blocks from R4, C3, and C1-2/C2-2 commercial overlays to R4-1, C3A, and C2-3 commercial overlays, and establish a new Special Coastal Risk District (SCRD) in Gerritsen Beach, and amend New York City Zoning Resolution (ZR) sections of the Special Sheepshead Bay District (SSBD).

BROOKLYN COMMUNITY DISTRICT NO. 15

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Ethi L. Adams

January 21, 2021

BROOKLYN BOROUGH PRESIDENT

DATE

RECOMMENDATION FOR: Resilient Neighborhoods: Gerritsen Beach and Sheepshead Bay (210130 ZMK, 210131 ZRK & 210132 ZRK)

The New York City Department of City Planning (DCP) submitted applications for zoning map and text amendments to ensure flood resiliency of future development in the Gerritsen Beach and Sheepshead Bay neighborhoods of Brooklyn Community District 15 (CD 15). Such actions would change the zoning on approximately 20 blocks from R4, C3, and C1-2/C2-2 commercial overlays to R4-1, C3A, and C2-3 commercial overlays, and establish a new Special Coastal Risk District (SCRD) in Gerritsen Beach, and amend New York City Zoning Resolution (ZR) sections of the Special Sheepshead Bay District (SSBD).

On November 30, 2020, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were no speakers on the item.

In response to Borough President Adams' inquiry as to whether the City would consider providing real estate tax incentives to offset additional costs for property owners who may have to take out construction loans on top of existing mortgages in order to comply with flood resiliency guidelines, the DCP representative clarified that the proposed changes would not introduce any requirements beyond Appendix G (Flood-Resistant Construction) of the New York City Building Code. Rather, these amendments would provide zoning relief for homeowners to make resiliency improvements over time. As for financial incentives, the City has been advocating for direct assistance to homeowners at the State and Federal level.

In response to Borough President Adams' inquiry as to what assistance the City would provide owners whose properties would require major alterations to meet the new rules, the DCP representative referenced the New York City Department of Housing Preservation and Development (HPD) HomeFix program, which offers low- and no-interest loans for certain repairs, and FloodHelpNY, a non-profit initiative that provides free and low-cost technical services to homeowners.

Consideration

Brooklyn Community Board 15 (CB 15) voted to approve these applications on November 17, 2020.

The Gerritsen Beach and Sheepshead Bay proposals entered public review parallel to Zoning for Coastal Flood Resiliency (ZCFR), a citywide text amendment that would create permanent rules for resilient building design and retrofits.

On January 5, 2021, the Brooklyn Borough Board held a hearing on ZCFR and approved the proposal. Its resolution called on the Administration and City Council to assist homeowners who would spend more than 30 percent of their income to finance the costs of mandatory flood insurance and the reconstruction/elevation of their homes with monetary incentives such as low-cost loans, real estate tax abatements/exemptions, and other financial mechanisms, to households earning up to 250 percent of Area Median Income (AMI).

The proposed Gerritsen Beach actions would affect approximately 2,050 tax lots within a rezoning area bounded by Allen Avenue, Gerritsen Avenue, and Marine Park to the north, and Plumb Beach Channel and Shell Bank Creek to the south. According to a DCP analysis, approximately 77 percent of these lots are developed with residential uses, mostly single-family, detached homes. Another 16 percent represents vacant land often utilized for parking, storage, or water access. The remaining properties host a variety of non-residential uses, which comprise less than eight percent of the lots. Much of the residential area is zoned R4, with C1-2 and C2-2 overlays mapped on some blocks of Gerritsen Avenue. The northern portion of the Plumb Beach Channel waterfront is zoned C3, a district

that allows residential construction pursuant to R3-2 regulations, which permit attached and multi-family buildings on lots of at least 1,700 square feet.

In 2012, Gerritsen Beach was among the communities most affected by Superstorm Sandy. The following year, DCP launched its Resilient Neighborhoods initiative to strengthen neighborhoods in the city's floodplain via place-based strategies, including zoning changes. The study found that existing land use patterns in Gerritsen Beach do not reflect current and future inundation risk. Many blocks contain small, shallow lots of 24 x 66 feet or 40 x 45 feet, with limited street widths. Though Gerritsen Beach was once a summer community, year-round occupancy and habitation below the design flood elevation (DFE) have become the norm. Much of the neighborhood's vulnerability to flooding results from its limited drainage infrastructure, which is not designed to handle storm surges. To protect Gerritsen Beach from such events, DCP seeks to limit growth potential in the area, by reducing the permitted residential density.

The proposed map amendments would create a new zoning envelope by changing the existing R4 district to R4-1, thus reducing the side yard requirement. Additionally, the C3 district along the waterfront would be rezoned to C3A, with some blocks converted to R4-1 to reflect existing character. The C3A equivalent R3A district would permit one and two-family detached homes on lots with a minimum area of 2,375 square feet, a reduction in density from R3-2. Finally, commercial overlays on Gerritsen Avenue would be updated to C2-3 and reduced to half-block depth, fronting only that corridor. The new overlay would allow additional use groups, including home maintenance and repair services, which would support building upgrades after flood events.

Such actions would restrict the scale and character of future development, while expanding the range of commercial uses in Gerritsen Beach. The proposed text amendment would create an SCRCD, which would further modify what is permitted under the new zoning to improve the neighborhood's overall resiliency. The SCRCD stipulations would prohibit new attached or multi-family residences in the R4-1 district. Only single-family detached buildings would be permitted on lots less than 3,000 square feet, though two-family homes would be allowed on larger lots. Building heights would be limited to 25 feet above the ground-floor, which would be wet-proofed to flood-resistant construction standards. Together, these zoning map and text changes would ensure that future construction in Gerritsen Beach is not only resilient, but appropriate for its small lots and narrow streets.

The separate Sheepshead Bay application would update the SSBD regulations to encourage an active and flood-resilient public realm. The changes would strengthen requirements for aspects of plaza design, including access, seating, and signage. The new rules would also disallow below-grade plazas and consolidate or eliminate certain public space bonuses.

Borough President Adams believes it is necessary to optimize the ZR to ensure that both existing and future homes in Gerritsen Beach achieve optimal flood mitigation via measures such as wet proofing. Moreover, he recognizes that resilient construction and renovation is an effective way to lower flood insurance payments. Borough President Adams believes that the proposed SSBD modifications would also promote best practices and help drive economic development in sustainable businesses. Therefore, the City Planning Commission (CPC) and/or City Council should approve these applications.

While Borough President Adams supports the proposed changes and concurs with the Brooklyn Borough Board's position on ZCFR, he is concerned that compliance with the new regulations would present a hardship for homeowners of limited means, including the many who are located on properties added to the flood risk zone, as they would be burdened by the cost of affording flood insurance payments to adequately protect their assets. He therefore seeks robust financial assistance to mitigate the additional costs of flood-resistant construction and renovation.

Financial Assistance for Homeowners in Flood Zones

Federal law stipulates that lenders of government-backed mortgages must require homeowners to purchase flood insurance for properties located in Special Flood Hazard Areas (SFHAs). The Federal government provides coverage through the National Flood Insurance Program (NFIP), administered by the Federal Emergency Management Agency (FEMA). It is anticipated that Congressional changes to the NFIP and updates to Flood Insurance Rate Maps (FIRMs) will lead to increased premiums for many policyholders. These costs will also be driven by sea level rise, which will produce higher flood levels in the coming decades.

DCP estimates that homes with living space four feet below the DFE will incur annual flood insurance costs of \$9,000. Raising such space to or above the DFE would sharply reduce premiums to \$1,450, or even less, depending on the degree of flood elevation. As an incremental step, property owners could lower their payments by elevating mechanical equipment above flood levels, which requires few structural changes, and therefore tends to be highly cost-effective. One of DCP's primary goals with ZCFR is to facilitate flood resiliency improvements by streamlining zoning rules that limit the location of infrastructure and uses on various levels.

Borough President Adams believes that retrofitting homes in areas prone to inundation is an important strategy for neighborhood resiliency and an important investment to lower flood insurance premiums. However, he is aware that a significant number of households in the New York City floodplain pay 30 percent or more of their annual income toward property taxes, homeowners' insurance, and flood insurance. As a result of these obligations, many lack discretionary income to defray the added costs of retrofitting their homes and would have to refinance their mortgages or take out loans to implement flood-proofing best practices. The most effective measure, home elevation, can be prohibitively expensive up front, even with long-term flood insurance savings. When confronted with such options, property owners beset by high premiums may choose to seek other forms of relief rather than undertake costly renovation projects.

Borough President Adams believes that it is in the City's interest to support homeowners who wish to make their properties more resilient. Monetary incentives would encourage such improvements in flood-prone areas across the five boroughs and ensure that ZCFR achieves its intended goal of neighborhood resiliency. In older communities such as those ranging from Canarsie to Red Hook and including Brighton, Gerritsen, and Plumb beaches; Coney Island and Sheepshead Bay, and other southern Brooklyn communities, many buildings predate flood-resistant building codes, and homeowners earn moderate to middle incomes. Without some form of financial relief, the added cost of flood-resistant renovation could result in overleveraging and foreclosure of such properties.

Therefore, to assist homeowners who would spend more than 30 percent of their income to finance the costs of mandatory flood insurance and the reconstruction/elevation of their homes (via alternative refinancing or secondary mortgages), the Administration and the City Council should provide low-cost loans, real estate tax abatements/exemptions, and other financial mechanisms to households earning up to 250 percent AMI.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the CPC and City Council approve these applications.

Be it further resolved:

That the Administration and City Council, to assist homeowners who would spend more than 30 percent of their income to finance the costs of mandatory flood insurance and the reconstruction/elevation of their homes (via alternative refinancing or secondary mortgages), provide monetary incentives for such improvements via low-cost loans, real estate tax abatements/exemptions, and other financial mechanisms, to households earning up to 250 percent of Area Median Income (AMI).



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Resilient Neighborhoods: Gerritsen Beach			
Applicant:	DCP - Department of City Planning Brooklyn Office	Applicant's Primary Contact:	DCP - Department of City Planning Brooklyn Office
Application #	210130ZMK	Borough:	
CEQR Number:	21DCP051K	Validated Community Districts:	K15

Docket Description:

IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
 - a. Gerritsen Avenue, Bijou Avenue, Aster Court, and Allen Avenue;
 - b. Gerritsen Avenue, Devon Avenue, Aster Court, and Channel Avenue; and
 - c. Gerritsen Avenue, Bartlett Place, a line 100 feet southwesterly of Gerritsen Avenue, Florence Avenue, Aster Court, and Everett Avenue;
2. eliminating from within an existing R4 District a C2-2 District bounded by Gerritsen Avenue, Everett Avenue, Aster Court, and Devon Avenue;
3. changing from an R4 District to an R4-1 District property bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly prolongation, the centerline of Canal and its southwesterly prolongation, Knight Court and its southeasterly centerline prolongation, Everett Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Fane Court and Garland Court, a line midway between Channel Avenue and Devon Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Channel Avenue, Dictum Court, Bijou Avenue, Ebony Court, and Allen Avenue;
4. changing from a C3 District to an R4-1 District property bounded by:
 - a. Dictum Court, Channel Avenue, a line midway between Dictum Court and Ebony Court, and Bijou Avenue;
 - b. Channel Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ebony Court and Fane Court; and
 - c. Devon Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ira Court and Joval Court;
5. changing from an R4 District to a C3A District property bounded by:
 - a. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ebony Court and Fane Court, and a line midway between Channel Avenue and Devon Avenue;
 - b. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Fane Court and Garland Court, and Devon Avenue; and
 - c. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ira Court and Joval Court, and Everett Avenue;
6. changing from a C3 District to an C3A District property bounded by Allen Avenue, Ebony Court, Bijou Avenue, a line midway between Dictum Court and Ebony Court, Channel Avenue, a line midway between Ebony Court and Fane Court, a line connecting



COMMUNITY/BOROUGH BOARD RECOMMENDATION

two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Knight Court and its southeasterly centerline prolongation, the centerline of Canal and its southwesterly prolongation, the centerline of Shell Bank Creek and its northerly prolongation, , Avenue X, Knapp Street, and Allen Avenue;

7. establishing within an existing R4 District a C2-3 District bounded by:

a. Gerritsen Avenue, Bijou Avenue, a line midway between Gerritsen Avenue and Aster Court, and Allen Avenue; and

b. Gerritsen Avenue, Bartlett Place, a line 50 feet southwesterly of Gerritsen Avenue, Florence Avenue, a line midway between Gerritsen Avenue and Aster Court, and Channel Avenue; and

8. establishing a Special Coastal Risk District bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly and northerly prolongations, Avenue X, Knapp Street and Allen Avenue; Borough of Brooklyn, Community District 15, as shown on a diagram (for illustrative purposes only) dated October 19, 2020.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 41	# Against: 0	# Abstaining: 0	Total members appointed to the board: 41
Date of Vote: 11/17/2020 12:00 AM		Vote Location: webex	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 11/17/2020 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	webex

CONSIDERATION: This project will prevent future damage due to flood.		
Recommendation submitted by	BK CB15	Date: 12/29/2020 2:07 PM