



IN THE MATTER OF an application submitted by NYC Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 7 (Special Coastal Risk District) to establish the Special Coastal Risk District in the Borough of Staten Island, Community Districts 2 and 3.

This application for a zoning text amendment was filed by the New York City Department of City Planning on April 19, 2017, in conjunction with a related zoning map amendment (C 170373 ZMR), which will affect all or portions of 69 tax blocks in Oakwood Beach, Staten Island Community District 3, and Graham Beach and Ocean Breeze, Staten Island Community District 2.

RELATED ACTION

In addition to the zoning text amendment that is the subject of this report (N 170374 ZRR), implementation of the proposed plan also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 170373 ZMR Zoning map amendment to rezone all or portions of 69 blocks

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for a zoning map amendment (C 170373 ZMR).

ENVIRONMENTAL REVIEW

This application (C 170374 ZRR) and the related application (N 170373 ZMR) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP150R. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the report on the related application (C 170373 ZMR).

PUBLIC REVIEW

This application (N 170374 ZRR) was duly referred to Community Boards 2 and 3 and the Borough President in accordance with the procedures for non-ULURP actions on April 24, 2017, along with the related action (C 170373 ZMR), which was certified as complete by DCP in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Boards 2 and 3 held public hearings on May 7, 2017 and May 10, 2017, respectively, on this application (N 170374 ZRR). On May 16, 2017, Community Board 2, by a vote of 17 in favor, 11 opposed and with one abstention, adopted a resolution recommending approval of the application. On May 24, 2017, Community Board 3, by a vote of 27 in favor, none opposed and with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (N 170374 ZRR) was considered by the Borough President, who issued a recommendation on June 20, 2017 to approve the application.

City Planning Commission Public Hearing

On June 21, 2017 (Calendar No. 4), the City Planning Commission scheduled July 12, 2017 for a public hearing on this application (N 170374 ZMR). The hearing was duly held on July 12, 2017 (Calendar No. 21).

One speaker testified and another submitted electronic comments in opposition to the application. One individual submitted electronic comments in support of the application. A full summary of the testimony appears in the report on the related application for a zoning map amendment (C 170373 ZMR).

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (N 170374 ZRR) 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 17-018.

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 for a zoning text amendment (N 170374 ZRR), in conjunction with the related application for a zoning map amendment (C 170373 ZMR), is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the report on the related application for a zoning map amendment (C 170373 ZMR).

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 hereby amended by establishing a Special Coastal Risk District, East Shore subdistrict in Community Districts 2 and 3, Borough of Staten Island.

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I

GENERAL PROVISIONS

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

* * *

11-122

Districts established

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Special Purpose Districts

* * *

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special Coastal Risk District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 7, the #Special Coastal Risk District# is hereby established.

Establishment of the Special College Point District

* * *

Chapter 2

Construction of Language and Definitions

12-10

DEFINITIONS

* * *

Special Clinton District

The “Special Clinton District” is a Special Purpose District designated by the letters “CL” in which special regulations set forth in Article IX, Chapter 6, apply.

Special Coastal Risk District

The “Special Coastal Risk District” is a Special Purpose District designated by the letters “CR” in which special regulations set forth in Article XIII, Chapter 7, apply.

Special College Point District

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ARTICLE VI

SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 4

Special Regulations Applying in Flood Hazard Areas

* * *

Appendix A

Special Regulations for Neighborhood Recovery

* * *

64-A83

Neighborhood Recovery Areas in Staten Island

In Staten Island, any areas ~~designated by New York State as part of the NYS Enhanced Buyout Area Program~~ located within #Special Coastal Risk District# 1, as established in the Appendix to Article XIII, Chapter 7, are excluded from a Neighborhood Recovery Area.

* * *

ARTICLE XIII

SPECIAL PURPOSE DISTRICTS

Chapter 7 **Special Coastal Risk District**

137-00 **GENERAL PURPOSES**

The “Special Coastal Risk District” established in this Resolution is designed to promote and protect public health, safety and general welfare in coastal areas that are currently at exceptional risk from flooding, and may face greater risk in the future. These general goals include, among others, the following specific purposes:

- (a) limit the population in areas that are vulnerable to frequent flooding, including those areas exceptionally at risk from projected future tidal flooding;
- (b) reduce the potential for property damage and disruption from regular flood events and support the City’s capacity to provide infrastructure and services;
- (c) promote consistency with planned improvements, neighborhood plans, and other measures to promote drainage, coastal protection, open space and other public purposes;
- (d) provide sound planning in areas that have historically been occupied by wetlands and, where plans exist, for such areas to be maintained as open space; and
- (e) promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City’s tax revenue.

137-10 **GENERAL PROVISIONS**

The provisions of this Chapter shall apply within the #Special Coastal Risk District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented, or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, including the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas) the provisions of this Chapter shall control.

137-11 **District Plan and Map**

The District Map is located within the Appendix to this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying location where special regulations and requirements set forth in this Chapter apply.

The following #Special Coastal Risk Districts# are shown on the Maps in the Appendix to this Chapter:

Map 1 - #Special Coastal Risk District# 1 (CR-3), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island

Map 2 - #Special Coastal Risk District# 1 (CR-3), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island

137-12

Applicability of Special Regulations

The special #use# and #bulk# regulations of this Chapter shall apply in the #Special Coastal Risk District# as set forth in the following table.

Special Regulations for the #Special Coastal Risk District#

<u>#Special Coastal Risk District#</u>	<u>#Residential Use# (137-21)</u>	<u>#Community Facility Use# (137-22)</u>	<u>Modifications to Article V (137-41)</u>	<u>Special Requirements (137-51)</u>
<u>CR-3 (buyout areas, Staten Island)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

137-20

SPECIAL USE REGULATIONS

The special #use# regulations of this Section, inclusive, shall apply in the #Special Coastal Risk District# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-21

Residential Use

In #Special Coastal Risk District# 1, #residential uses# shall be limited to #single-family detached residences# and #accessory uses# as set forth in Section 22-11 (Use Group 1).

137-22

Community Facility Use

In the #Special Coastal Risk District#, #community facility uses# with sleeping accommodations shall not be permitted.

In #lower density growth management areas# in #Special Coastal Risk District# 1, the

regulations for #community facility uses# of the underlying districts shall be modified as follows:

- (a) ambulatory diagnostic or treatment health care facilities shall be limited on any #zoning lot# to 1,500 square feet of #floor area#, including #cellar# space; and
- (b) all #community facility uses# shall be subject to the maximum #floor area ratio#, and special #floor area# limitations, applicable to R3-2 Districts set forth in Section 24-162 (Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts).

137-40

SPECIAL APPLICABILITY OF ARTICLE V

In #Special Coastal Risk District# 1, the provisions of Article V, Chapter 2 (Non-conforming Uses) shall be modified as set forth in this Section.

#Non-conforming uses# may not be #enlarged# or #extended#. Furthermore, should 50 percent or more of the #floor area# of a #building# containing a #non-conforming use# be damaged or destroyed after [date of adoption], the #building# may be repaired, #incidentally altered# or reconstructed only for a #conforming use#.

However, the provisions of this Section shall not apply to any #building# that was damaged to the extent of 50 percent or more due to the effects of #Hurricane Sandy#, as that term is defined in Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas). The special regulations for #non-conforming buildings# of Section 64-70 shall apply to such #buildings#.

137-50

SPECIAL REQUIREMENTS FOR DEVELOPMENTS AND ENLARGEMENTS

In #Special Coastal Risk District# 1, no #development# or horizontal #enlargement# shall occur, except where authorized by the City Planning Commission pursuant to Sections 137-51 (Authorization for Development of Single Buildings and Enlargements) or 137-52 (Authorization for Development of Multiple Buildings), as applicable.

For the purposes of determining which authorization shall be applicable, the #zoning lot# upon which the #development# shall occur shall be considered to be a tract of land that existed under separate ownership from all adjoining tracts of land on [date of referral].

For the purposes of such authorizations, the alteration of any existing #building# resulting in the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

The provisions of this Section, inclusive, shall not apply to the reconstruction of any #building# that was damaged to the extent of 50 percent or more due to the effects of #Hurricane Sandy#, as that term is defined in Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard

Areas), or to the reconstruction of a garage #accessory# to a #single-family residence# or #two-family residence#.

The provisions of Section 64-92 (Special Permit for Modification of Certain Zoning Regulations) shall be inapplicable to a #building# that is #developed# pursuant to this Section, inclusive.

137-51

Authorization for Development of Single Buildings and Enlargements

The City Planning Commission may authorize a horizontal #enlargement#, or a #development# consisting of no more than one #building# containing a non-#accessory# use, on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

- (a) the site plan, to the extent practicable, minimizes the need for new paving and impervious surfaces upon the #zoning lot#;
- (b) the site plan provides access to the new or #enlarged building# using #streets# that were improved and open to traffic on the date of application for an authorization, and which serve other occupied #buildings#;
- (c) the site plan, to the extent practicable, minimizes adverse effects on wetlands, planned open space, drainage, or other functions in the surrounding area;
- (d) the resulting #building# and other site improvements would not impair the essential ecological character of the surrounding area for its future use as open space;
- (e) the site plan and resulting #building# incorporate such measures as are reasonable to minimize risks to public safety from natural hazards such as flooding and wildfires; and
- (f) where the Commission is modifying #bulk# regulations, such modifications are the minimum necessary to protect, or provide buffering from, wetlands or wetland-adjacent areas.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

137-52

Authorization for Development of Multiple Buildings

The City Planning Commission may authorize a #development# consisting of more than one #building# on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

- (a) all #zoning lots# comprising such #development# together provide a minimum of 9,500 square feet of #lot area# per #building#, where no portion of such #lot area# shall contain delineated wetland on a wetland survey reviewed by the New York State Department of

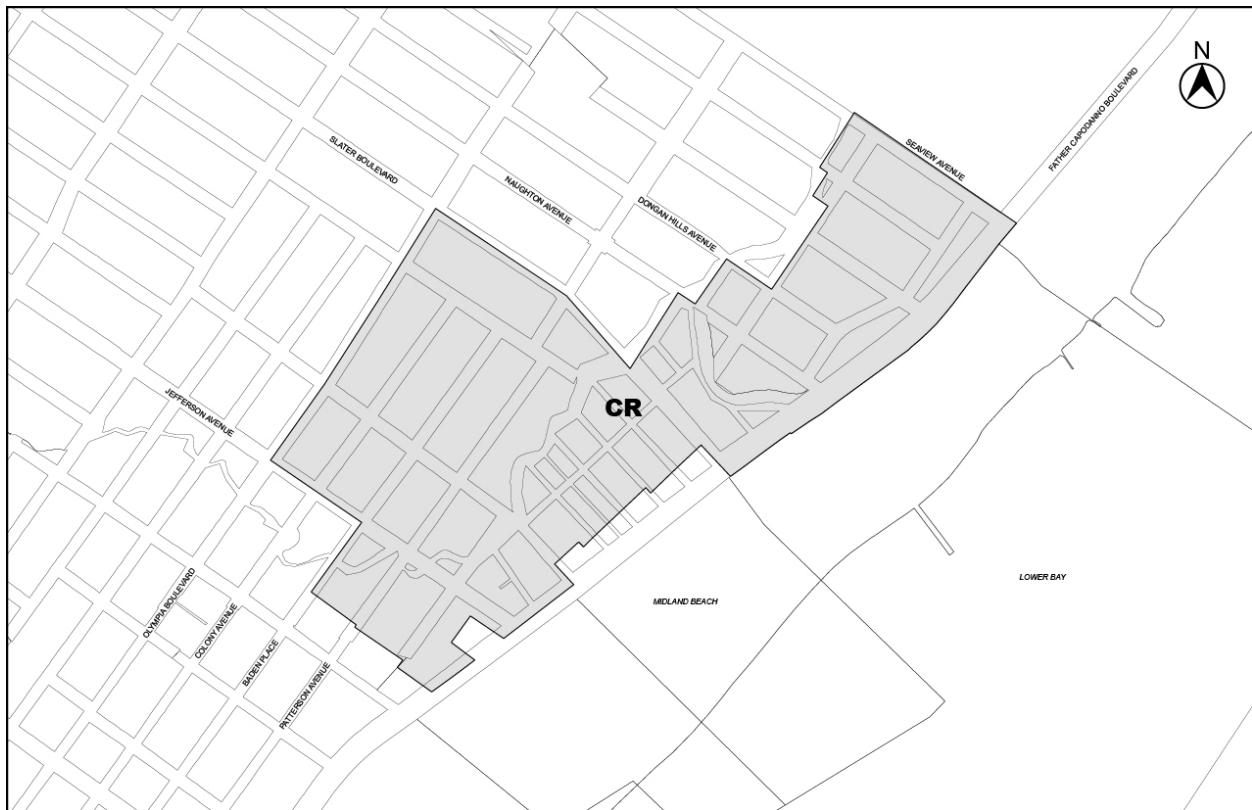
Environmental Conservation (NYSDEC). Such review by the NYSDEC shall have occurred no more than two years prior to the date of application for this authorization;

- (b) the #development# satisfies the findings of paragraphs (a) through (e) of Section 137-51 (Authorization for Development of Single Buildings and Enlargements);
- (c) where the Commission is modifying #bulk# regulations, such modifications shall:
 - (1) facilitate the configuration of #buildings# in order to protect, or provide buffering from, adjacent wetlands, open space and natural resources;
 - (2) facilitate, to the extent practicable, the configuration of #buildings# in proximity to the location of existing #buildings# within the area;
 - (3) limit the need for new paving and impermeable surfaces; and
 - (4) are consistent with the scale and character of the surrounding area.

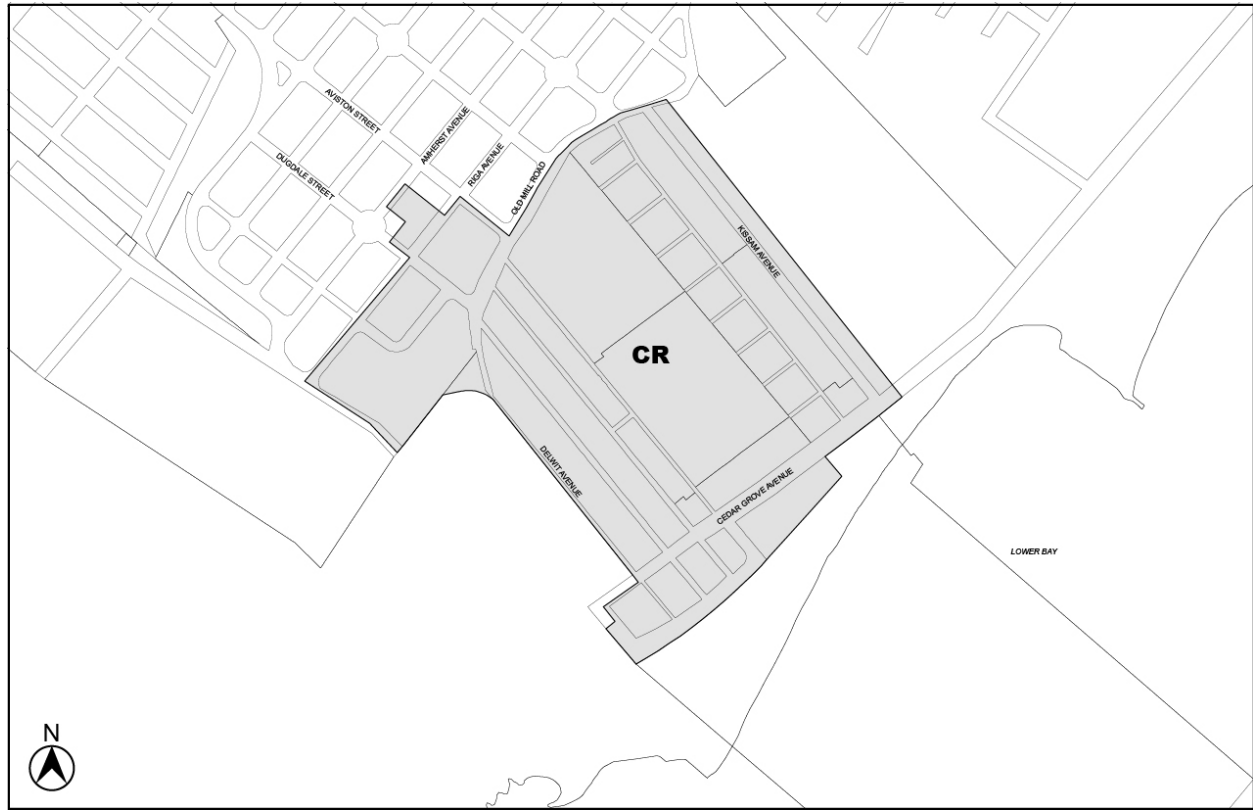
The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

APPENDIX
Special Coastal Risk District Plan

Map 1. #Special Coastal Risk District# 1 (CR-3), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island



Map 2. #Special Coastal Risk District# 1 (CR-3), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island



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The above resolution (N 170374 ZRR), duly adopted by the City Planning Commission on August 9, 2017 (Calendar No. 33), 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*
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,
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ORLANDO MARIN, LARISA ORTIZ, *Commissioners*