



CITY PLANNING COMMISSION

March 17, 2021 / Calendar No. 11

N 210132 ZRK

IN THE MATTER OF an application submitted by the New York City 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, modifying Article IX, Chapter 4 (Special Sheepshead Bay District) to facilitate flood-resilient construction and open space design.

This application for a zoning text amendment was filed by the New York City Department of City Planning on October 16, 2020, which will affect all or portions of 21 blocks in the Sheepshead Bay neighborhood of Brooklyn Community District 15.

BACKGROUND

The New York City Department of City Planning (DCP) seeks a zoning text amendment (N 210132 ZRK) in the Sheepshead Bay neighborhood of Brooklyn. To reduce the risks posed by flooding and plan for adaptation over time, DCP proposes to update the Special Sheepshead Bay District (SSBD) regulations to support resilient development while also better aligning them with the SSBD goal of strengthening the maritime, recreational, and commercial character of Emmons Avenue. This application aims to improve resiliency in SSBD public open spaces through flood-resilient and quality open space design standards.

Sheepshead Bay is a vibrant community with thriving commercial corridors, a working and recreational waterfront, and a diverse built environment featuring blocks of single-family bungalows and larger multi-family apartments. Development began in the 1870s with the construction of hotels along the water. The bay was originally connected to Gravesend Bay by Coney Island Creek but was filled to make way for development. The Sheepshead Race Track became a popular attraction, as did recreational fishing, and by the 1920s, summer bungalows were constructed across the area for seasonal residents. Emmons Avenue was widened in the 1930s as the bay expanded to host a range of fishing and dining activities. The Belt Parkway was completed in the 1940s, and blocks of attached homes were built north of the highway in the 1950s and 1960s.

In the 1960s and 1970s, Sheepshead Bay experienced significant economic decline, and many of the waterfront amenities and businesses that had come to represent the area struggled to continue operations. The SSBD was created in 1973 to strengthen and promote local retail and residential development by facilitating wider sidewalks and open public areas along the waterfront. At the time of the creation of the SSBD, there were over 10 acres of vacant land along Emmons Avenue left by previously-demolished buildings. There was concern that piecemeal development could significantly change the waterfront and residential character of the neighborhood. Therefore, special land use and design regulations were created to encourage waterfront related uses, local retail, and public open space in the SSBD.

However, the SSBD was created during a time when flood risk was not considered in the land use planning process. The majority of the SSBD is in the 1% annual chance floodplain, and the neighborhood was severely impacted during Hurricane Sandy. The tidal surge came up from the bay and extended north to Avenue X, and ground-floor businesses on Emmons Avenue and Sheepshead Bay Road experienced flood levels up to six feet high. In addition, according to projections by the New York Panel on Climate Change, Sheepshead Bay is projected to experience moderate daily tidal flooding in the 2050s and 2080s.

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 the 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 is responsive to neighborhood character and aligns 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 action in Sheepshead Bay complements ZCFR, and the proposals are intended to work in conjunction, not for one to supersede the other. However, ZCFR and the proposed action for Sheepshead Bay are separate actions under separate public review, and 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, Sheepshead Bay 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. The proposed zoning text amendment (N 210132 ZRK) is responsive to these risks and the findings of the Resilient Neighborhoods study. DCP developed this zoning proposal through close consultation with a Community Advisory Committee whose members included representatives from Community Board 15, the Bay Improvement Group, Plumb Beach Civic Association, and local elected officials.

Today, Sheepshead Bay is an active and growing community. The southern Brooklyn neighborhood is comprised of a variety of building and housing types including single-family bungalows on small lots and larger multi-family apartments. Sheepshead Bay Road, Nostrand Avenue, and Emmons Avenue are among the primary commercial corridors. The area is accessible by the B and Q subway lines and multiple Metropolitan Transit Authority bus routes,

and connected to regional travel by the Belt Parkway. The Sheepshead Bay waterbody, along the neighborhood's southern edge, is an active commercial maritime area, where fishing and recreational boats launch daily trips from the Sheepshead Bay Piers.

The SSBD area is currently zoned R5, with C2-2 commercial overlay districts mapped along Emmons Avenue. Through the 2006 Sheepshead Bay Rezoning, several blocks were rezoned from R5 to R4-1 and R4B and were removed from the SSBD, and C2-2 commercial overlays were removed from existing R5 districts (C 060132 ZMK, N 060133 ZRK) in order to preserve the existing neighborhood scale and character with lower-density contextual zoning districts.

R5 generally allows for a variety of housing types, including three- to four-story attached houses and small apartment buildings, at a maximum floor area ratio (FAR) of 1.25, with a maximum street wall of 30 feet and maximum building height of 40 feet. The C2-2 commercial overlay typically allows for a maximum of 1.0 FAR for commercial uses including retail, service, and entertainment on the first floor of mixed-use buildings. Off-street parking is required for each dwelling unit or for 85 percent of residences in multi-unit buildings, and retail uses generally require one accessory parking space per 300 square feet of commercial floor space. Certain underlying district regulations, including FAR, height and setback, and permitted uses, are modified by provisions of SSBD subareas.

A key purpose of the SSBD was to promote and strengthen the unique character of the area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which would complement and enhance the existing area. To achieve this, the SSBD restricts uses by subarea to ensure that local commercial development is maritime-related and supportive of adjacent waterfront uses. All SSBD areas allow a subset of water-dependent commercial uses listed in ZR 62-211, including docks and boat launching facilities, boat storage and repair, and boatels.

Areas A through E allow additional uses that specifically support the SSBD, including service establishments, offices, clubs, and select retail uses such as art galleries, ice cream shops, jewelry retailers, and travel services. Areas A through E also allow additional artisanal manufacturing

and amusement uses by City Planning Commission (CPC) special permit. Area H, which covers the seaward side of Emmons Avenue including the Sheepshead Bay Piers, allows a select list of waterfront commercial and retail uses, as well as select service, automotive, and amusement uses by CPC special permit.

To provide incentive for development of the appropriate waterfront-related commercial and residential uses, and to encourage the provision of public open space, the SSBD provides opportunities for lots of at least 20,000 square feet to unlock bonus floor area, up to a maximum FAR of 2.0, on certain lots. Lots in Areas A, C, D, or E are eligible for a Plaza Bonus when they provide public open space meeting standards, including dimensional provisions that allow plazas to be located below grade. Lots in Areas A, C, D, or E are also eligible for an Arcade Bonus when they provide a continuous covered space. Lots in Area F are eligible for an Open Space Bonus when they provide open space of at least 5,000 square feet usable by the public meeting standards, including dimensional provisions that allow open space to be located below grade. Additionally, lots in Areas C, D, or E are eligible for a Parking Bonus when they provide accessory commercial parking spaces above the minimum amount required by zoning and make them available as public parking.

The proposed action aims to ensure that future plazas and other public spaces in the SSBD are constructed to meet standards for flood resilience while ensuring an accessible urban design that supports a safe and inviting public realm. Proposed updates to the special district zoning text are described below. The proposed text amendment (N 210132 ZRK) would establish design requirements for plazas that help activate the public realm, such as planting, seating, and maintenance standards, while incorporating resilient design features, such as salt-tolerant planting. The SSBD currently lacks specific provisions for designing and programming plaza spaces that are required to be provided in exchange of floor area bonuses. As a result, plazas may be developed without consistent design features, and without elements that respond to the specific conditions of areas facing flood risk. The proposed actions set design standards that include accessibility requirements, seating, lighting, planting and tree types (including salt-tolerant species) to ensure the viability of the waterfront area in the long-term, and maintenance

commitments by the property owners. Under these design standards, plazas developed over time would improve the public realm and flood resiliency in the SSBD.

The proposed action would also combine and update the existing Plaza Bonus and Usable Open Space Bonus regulations to ensure that urban design and resiliency standards are applied consistently to the public open spaces within the SSBD. The Open Space Bonus in Area F currently lacks specific provisions related to design and programming of the open spaces provided, similar to existing plaza provisions discussed above. The proposed actions would combine and rationalize the provisions regarding the Plaza Bonus and the Usable Open Space Bonus to ensure that urban design and resiliency standards are applied consistently across the SSBD's public open spaces. Standard requirements would apply to open spaces of at least 5,000 square feet in Area F. Under these design standards, plazas developed over time would provide improved public realm conditions and flood resiliency in the SSBD.

Under the proposed text amendment, the Arcade Bonus, which has not been utilized and could result in poorly accessible and uninviting spaces, would be eliminated. Arcades are continuous covered spaces fronting on and open to a street or publicly-accessible open area. While the SSBD incentivized arcades when it was established in 1973, no developments have used this available bonus. Since this provision was written, knowledge and practice of urban design have evolved, and arcades, enclosed public spaces, are not always conducive to creating a vibrant commercial streetscape. The proposed actions would eliminate this outdated floor area bonus to ensure that developments in the future incentivize public spaces that are inviting, accessible, and resilient.

The proposed text amendment would also eliminate the sidewalk widening requirement for developments that provide a plaza, as the requirement is onerous and unnecessary given the width of Emmons Avenue. The SSBD currently requires a five-foot sidewalk extension to be provided by developments on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue, and Nostrand Avenue, on sites where a plaza is provided. Reduction in the required sidewalk width would support resiliency in Sheepshead Bay by helping reduce impervious

surface areas while improving urban design as it reduces the distance between pedestrians and the visual amenities and activities provided by adjacent plaza spaces.

ENVIRONMENTAL REVIEW

This application (N 210132 ZRK) was 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 21DCP050K.

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

PUBLIC REVIEW

On October 19, 2020, this application (N 210132 ZRK) was duly referred to Community Board 15 and the Borough President in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 15 held a public hearing on the application (N 210132 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 (N 210132 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. 4), the City Planning Commission scheduled February 3, 2021, for a public hearing on this application (N 210132 ZRK). The hearing was duly held on February 3, 2021 (Calendar No. 25). One speaker testified in favor of the application and none in opposition.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM

This application (N 210132 ZRK) 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 19-181. 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 210132 ZRK) is appropriate.

The SSBD regulations grant floor area bonuses for open spaces that may not be resilient to flooding in an area that is almost entirely within the 1% annual chance floodplain. The Commission understands the importance of addressing coastal flood resiliency in a neighborhood that experienced severe damage from Hurricane Sandy and that still serves as a major local commercial center. The project area requires individualized attention, as the SSBD's unique resiliency challenges are not adequately addressed through the citywide approach of ZCFR. While the citywide text looks to improve resiliency of the city's building stock, this application (N 210132 ZRK) specifically addresses the resiliency and design needs of public plazas and open space in a waterfront neighborhood. It is fitting as well that a special district originally created to promote waterfront commercial activity be updated to meet today's resiliency goals.

In addition to addressing resiliency, the proposed text amendment will standardize regulations across multiple subdistricts within the SSBD and update design provisions to current standards. With this change, SSBD public open spaces will meet the same high design standards as public open spaces throughout the rest of the city. The proposed actions will introduce new resiliency and design standards to ensure that future SSBD public open spaces would be less vulnerable to

flooding and more conducive to maintaining a vibrant public realm on an active commercial corridor.

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 the modifications of section 94-00, concerning the Special Sheepshead Bay District.

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 IX SPECIAL PURPOSE DISTRICTS

* * *

Chapter 4 Special Sheepshead Bay District (SB)

94-00

GENERAL PURPOSES

The “Special Sheepshead Bay District,” established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to promote and strengthen the unique character of the “Special Sheepshead Bay District” area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;
- (b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;
- (c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;
- (d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York; ~~and~~
- (~~e~~) (f) to facilitate flood-resilient construction and open space design to reduce the potential for property damage and disruption from regular flood events; and
- (~~e~~)(f) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenues.

* * *

94-07

Mandatory Provisions

* * *

94-071

Sidewalk extension area

All #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue shall contain a sidewalk extension area, which complies with the following requirements:

- (a) has a minimum depth of five feet, measured perpendicular to such #street lines#;

- (b) extends the full length of the #zoning lot# along such #street lines#, except for existing #buildings# within five feet of the #street line#;
- (c) is open and unobstructed from its lowest level to the sky;
- (d) maintains continuity with the established sidewalk, to which it shall be immediately adjacent throughout its entire length;
- (e) is available for public use at all times; and
- (f) has a paved surface which complies with standards as established by the New York City Department of Transportation.

No sidewalk extension area shall be required along any portion of a #street line# where a plaza is provided in accordance with the provisions of Sections 94-072 (Special plaza provisions) or 94-081 (Plaza bonus).

94-072

Special plaza provisions

In Areas A, C and E, all #developments# that are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet that was in existence as of November 1, 1972, shall provide and maintain a plaza for public use which complies with the following requirements:

- (a) The plaza shall #abut# the Emmons Avenue #street line# along the full length of such #lot line# or for a distance of at least 50 feet, whichever is less.
- (b) The plaza shall be directly accessible to the public at all times from Emmons Avenue ~~or an #arcade#~~ or a plaza.
- (c) The size of the plaza shall be at least 4,000 square feet in one location ~~and shall not at any point be more than two feet below or five feet above #street# level,~~ with a minimum dimension of 35 feet, and shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS). ~~At least 15 percent of the plaza area shall be landscaped and planted with trees, except, when a #zoning lot abutting# both Dooley Street and Emmons Avenue is #developed#, such landscaping shall be at least 75 percent of the total plaza area provided with such #development#.~~
- (d) ~~The plaza shall contain lighting, pedestrian walks and sitting areas.~~
- (e) ~~No portion of a plaza area shall be used for parking or driveways.~~
- (f) ~~A plaza may include as permitted obstructions, sculptures, kiosks, or open cafes occupying in the aggregate not more than 30 percent of the total plaza area. Ice skating~~

~~rinks are also allowed as permitted obstructions within such plazas only for the months from October through March, provided the minimum area of such plaza is 7,500 square feet. Exterior wall thickness, awnings and other sun control devices, pursuant to Section 37-726, shall also be allowed as permitted obstructions.~~

94-08

Special Floor Area Bonus Provisions

* * *

94-081

Plaza bonus

~~In Areas A, C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet which complies with the mandatory provisions of Section 94-07 (Mandatory Provisions) shall be eligible for a #floor area# bonus at the rate of 3.5 square feet of #floor area# for every square foot of plaza area.~~

In Areas A, C, D, E and F, any #development# on a #zoning lot# which provides and maintains a plaza for public use shall be eligible for a #floor area# bonus, in accordance with the following provisions:

- (a) the #development# shall contain a minimum area of 20,000 square feet;
- (b) the plaza shall comply with the following minimum area requirements:
 - (1) in Areas A, C, D and E, the plaza shall be at least 4,000 square feet in one location, with a minimum dimension of 35 feet;
 - (2) in Area F, the plaza shall be at least 5,000 square feet in one location, with a minimum dimension of 50 feet;
- (c) the plaza shall not be located within 30 feet of the Leif Ericson Drive service road;
- (d) the plaza shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS); and
- (e) the #development# shall be eligible for a #floor area# bonus as follows:
 - (1) in Areas A, C, D, and E, the #floor area# bonus shall be at a rate of 3.5 square feet of #floor area# for every square foot of plaza area;
 - (2) in Area F, the #floor area# bonus shall be at a rate of one square foot of #floor area# for every two square feet of plaza area.

94-082

~~**Arcade bonus**~~

Special parking bonus

[Note: Existing text to be deleted]

~~In Areas A, C, D or E, any #development# located on a #zoning lot# with a #lot line# which coincides with any of the following #street lines#: Sheepshead Bay Road, Ocean Avenue or Emmons Avenue, shall be eligible for a #floor area# bonus at the rate of three square feet of #floor area# for every square foot of #arcade# space, as defined in Section 12-10, except that:~~

- ~~(a) #arcades# shall be allowed only along the #street lines# described above and plazas;~~
- ~~(b) the #arcade# may project or set back from the facade of a #building#;~~
- ~~(c) the #arcade# shall not be less than 10 feet or more than 15 feet in depth;~~
- ~~(d) the #arcade# shall be suitably heated for the months from October through March; and~~
- ~~(e) no #signs# may be affixed to any part of the #arcade# or #building# columns, except on a parallel to the #building# wall projecting no more than 12 inches therefrom.~~

[Note: Text moved from Section 94-083]

In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every square foot of #accessory commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long-term parking.

To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

94-083

Special parking bonus

[Note: Existing text moved to Section 94-082]

~~In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for~~

~~every square foot of #accessory commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long-term parking.~~

~~To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.~~

94-084

Usable open space bonus

[Note: Existing text moved to Section 94-081 and modified]

~~In Area F, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every two square feet of usable open space. The minimum size of such usable open space on a #zoning lot# shall be 5,000 square feet with a minimum dimension of 50 feet. The usable open space shall be suitably maintained and shall contain landscaping, planting, lighting, sitting areas and, where appropriate, play areas for children. Such usable space shall be located no more than two feet below or five feet above the #curb level#. No portion of the usable open space shall be provided within 30 feet of the Leif Eriksen Drive service road, and no portion of the usable open space shall be used for parking or driveways.~~

* * *

94-11

Special Parking Provisions

* * *

94-113

Treatment of parking areas

Any parking facilities in the Special District that are not completely enclosed shall be screened by shrubbery at least three feet high at the time of planting and expected to form a year-round dense screen at least five feet high within three years. When roof parking is provided, it shall be screened where it is visible from a #street#, or plaza ~~or public usable open space~~.

* * *

94-115

Location of commercial parking spaces

In Area F, ~~#accessory#~~ off-street parking spaces for ~~#commercial uses#~~ may be located outside the commercially zoned area but within 600 feet of the ~~#building#~~ to which it is ~~#accessory#~~, only if an area equal to the ~~#lot area#~~ occupied by the parking in the ~~#residential#~~ area is provided as a ~~#public plaza#~~ plaza in the commercially zoned area to which the parking is ~~#accessory#~~.

* * *

94-20

DESIGN REQUIREMENTS FOR PLAZAS

Where a plaza within the #Special Sheepshead Bay District# is provided in accordance with the provisions of this Chapter, such plaza shall comply with the applicable minimum design standards set forth in this Section.

(a) Design criteria

(1) Basic design criteria

Plazas shall comply with the standards set forth in paragraphs (a) and (b) of Sections 37-715 (Requirements for major portions of public plazas), 37-716 (Requirements for minor portions of public plazas), and 37-718 (Paving).

(2) Access and circulation

Plazas shall meet the requirements set forth in Section 37-721 (Sidewalk frontage), and Sections 37-723 (Circulation paths) through 37-726 (Permitted obstructions), inclusive. Hours of access shall be governed by Section 37-727 (Hours of access). Accessibility for persons with disabilities shall be provided in compliance with Section 37-728 (Standards of accessibility for persons with disabilities).

Plazas shall be located no lower than #curb level#.

(3) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements as set forth in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes), as applicable. In addition, kiosks may be placed on plazas upon certification by the Chairperson of the City Planning Commission as set forth in paragraph (c) of Section 37-73.

(4) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating).

(5) Planting and trees

Plazas shall provide planting areas in compliance with Section 37-742 (Planting and trees). All planted areas shall consist of salt-tolerant species recommended by the Department of Parks and Recreation.

(6) Lighting and electrical power

All plazas shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743 (Lighting and electrical power).

(7) Litter receptacles

All plazas shall provide litter receptacles pursuant to the standards set forth in Section 37-744 (Litter receptacles).

(8) Bicycle parking

All plazas shall provide bicycle parking pursuant to the standards set forth in Section 37-745 (Bicycle parking).

(9) Drinking fountains

A minimum of one drinking fountain shall be provided in all plazas.

(10) Signs

All plazas shall provide entry and information plaques that contain the words "Open to the public" and information regarding the hours of access. Prohibition and accessory signage may be provided pursuant to the standards set forth in Sections 37-752 (Prohibition signs) and 37-753 (Accessory signs).

(b) Maintenance

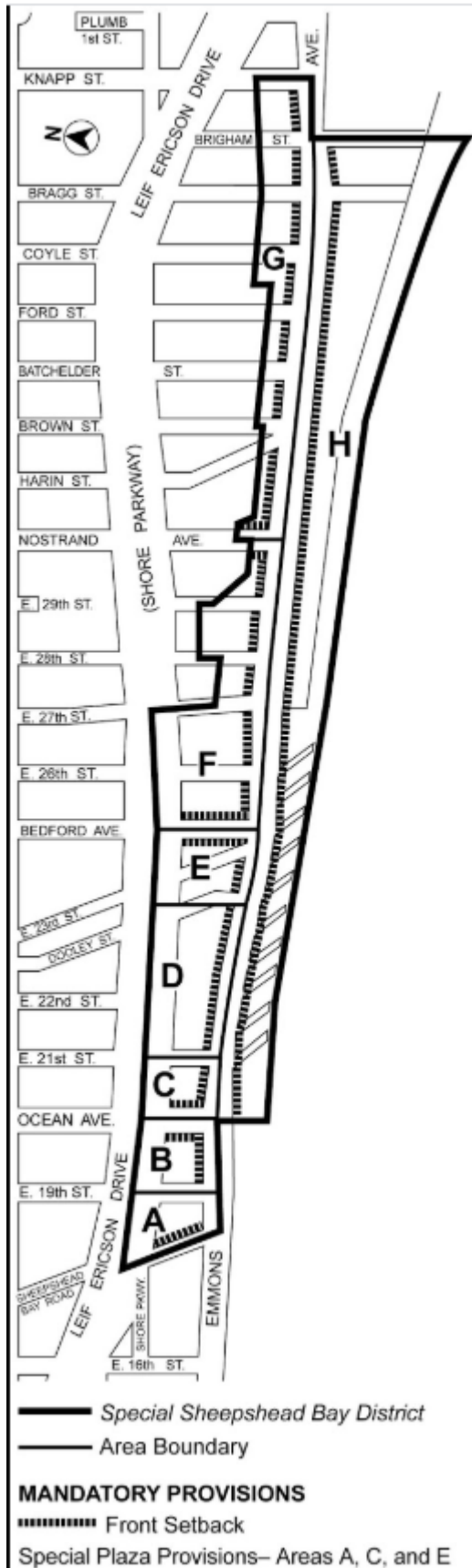
The owner shall be responsible for the maintenance of all plazas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

(c) Compliance

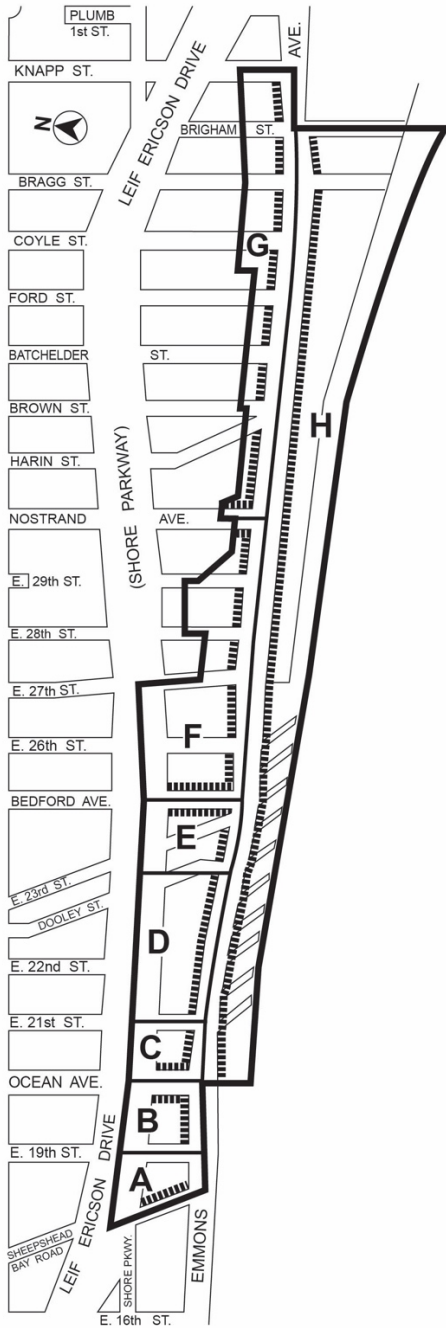
Plazas shall be governed by the compliance requirements of Section 94-13 (Certification).

Appendix A
Special Sheepshead Bay District Map

[EXISTING MAP]



[PROPOSED MAP]



— Special Sheepshhead Bay District

— Area Boundary

MANDATORY PROVISIONS

----- Sidewalk Extension Area

Special Plaza Provisions – Areas A, C and E

* * *

The above resolution (N 210132 ZRK), duly adopted by the City Planning Commission on March 17, 2021 (Calendar No. 11), 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**



BOROUGH PRESIDENT RECOMMENDATION

Project Name: Resilient Neighborhoods: Sheepshead Bay	
Applicant: DCP - Department of City Planning Brooklyn Office	Applicant's Administrator: DCP - Department of City Planning Brooklyn Office
Application # N210132ZRK	Borough: Brooklyn
CEQR Number: 21DCP050K	Validated Community Districts: K15

Docket Description:

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

Elhi L. Adams

BROOKLYN BOROUGH PRESIDENT

January 21, 2021

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 SCRD, which would further modify what is permitted under the new zoning to improve the neighborhood's overall resiliency. The SCRD 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: Sheepshead Bay			
Applicant:	DCP - Department of City Planning Brooklyn Office	Applicant's Primary Contact:	DCP - Department of City Planning Brooklyn Office
Application #	N210132ZRK	Borough:	
CEQR Number:	21DCP050K	Validated Community Districts:	K15

Docket Description:

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 2:14 PM
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