



## Legislation Text

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File #: Res 1644-2017, Version: \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1644

**Resolution approving the decision of the City Planning Commission on Application No. N 170374 ZRR, 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 Community Districts 2 and 3, Borough of Staten Island (L.U. No. 744).**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on August 11, 2017 its decision dated August 9, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment to the text 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. This action, in conjunction with the related action would facilitate establishment of the East Shore subdistrict of the Special Coastal Risk District, (Application No. N 170374 ZRR), Community Districts 2 and 3, Borough of Staten Island (the "Application");

WHEREAS, the Application is related to application C 170373 ZMR (L.U. No. 745), an amendment to the Zoning Map to rezone all or portions of 69 blocks;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 5, 2017;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 24, 2017 (CEQR No. 17DCP150R), (the "Negative Declaration");

**RESOLVED:**

The Council finds that the action described herein would have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170374 ZRR, incorporated by reference herein, the Council approves the Decision.

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

\* \* \*

## 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.

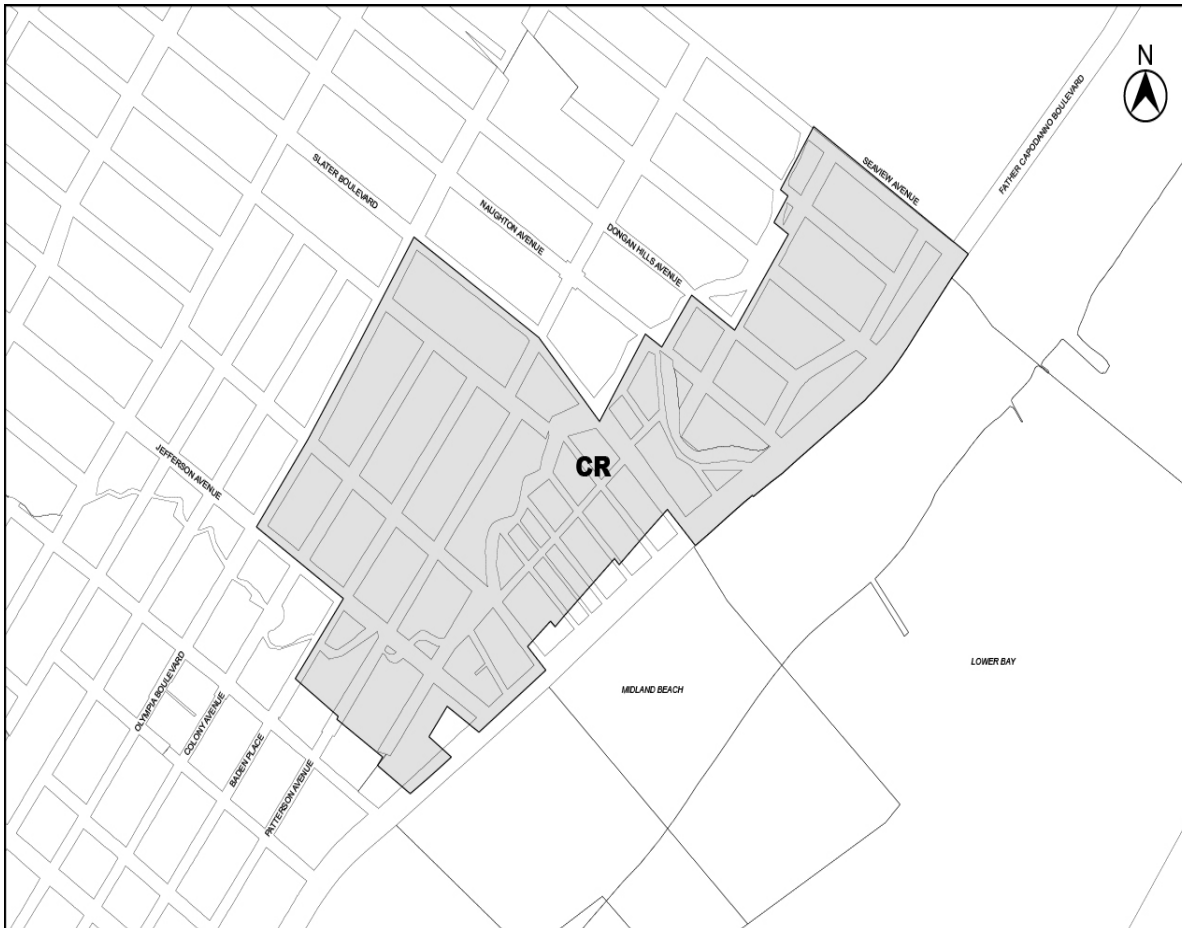
## **APPENDIX**

### **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

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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



\* \* \*

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on September 7, 2017, on file in this office.

.....  
City Clerk, Clerk of The Council