



## CITY PLANNING COMMISSION

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June 17, 2015 / Calendar No. 9

N 150302 ZRY

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**IN THE MATTER OF** an application submitted by the Mayor's Office of Housing Recovery, the Department of Housing Preservation and Development, and the 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, concerning Article VI, Chapter 4 and related Sections, to simplify and expedite the process of elevating and reconstructing single- and two-family homes in Hurricane Sandy-impacted areas of Community Districts 10, 13, and 14 of Queens; Community Districts 13, 15, and 18 of Brooklyn, and Community Districts 2 and 3 of Staten Island.

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An application for an amendment to the Zoning Resolution, N 150302 ZRY, was filed by the Department of the City Planning, Mayor's Office of Housing Recovery, and the Department of Housing Preservation and Development on March 25, 2015 to simplify and expedite the process of elevating and reconstructing single- and two-family homes in Hurricane Sandy-impacted areas.

### **BACKGROUND**

Immediately after Hurricane Sandy, which struck New York on October 29, 2012, the City made a commitment to help New Yorkers affected by the hurricane to repair, elevate and rebuild their homes. To lead this effort, in June 2013 the City created the Build it Back (BiB) program, its Sandy recovery program for residents, jointly administered by the Mayor's Office of Housing Recovery (HRO) and the Department of Housing Preservation and Development (HPD), and funded by the United States Department of Housing and Urban Development (HUD).

At present, 19,827 one-, two-, three- and four-family residences affected by Hurricane Sandy are registered with the program and have received or will receive financial assistance. The majority of the registrants are located in low-density waterfront and beach neighborhoods located in the east and south shore of Staten Island, south Brooklyn and around the Jamaica Bay area of Queens. Several options are available to homeowners, based on a damage assessment conducted by the Build It Back program. Depending on the extent of the damage, a homeowner is offered an option that would include one of the following: reimbursement for previously-conducted repairs, repair work directly undertaken by BiB contractors, physical elevation of the home to the design flood elevation (DFE), reconstruction of a new home at the DFE, or acquisition of the property for redevelopment. Build it Back estimates that about 4,500 properties will need to be elevated and approximately 500 will need to be fully reconstructed.

One of the primary goals of the 2013 Citywide Flood Resilience Text Amendment (N 130331(A) ZRY) was to facilitate the elevation and reconstruction of existing buildings to flood-resistant construction standards. For existing *non-complying* and *non-conforming* single- and two-family residences, special provisions allowed for the elevation or reconstruction of these buildings as they existed prior to the storm. However, in order to utilize these provisions, the Zoning Resolution requires that such non-compliances were *lawfully built* at the time of their construction, which requires documentation of the history of the property.

In many of the city's waterfront and beach neighborhoods, this historical research and documentation can be extremely difficult, or even impossible. Many of the areas that were severely impacted by Hurricane Sandy have similar characteristics that make it difficult for properties owners to document their non-compliances:

- These neighborhoods were largely built before 1961, when the current Zoning Resolution became effective.
- Many of the buildings in these neighborhoods were developed on narrower or shallower lots than the minimum zoning standards established in 1961 and are therefore non-compliant today.

- These neighborhoods have experienced less redevelopment than much of the rest of the city and many of them contain a low-density, detached building stock that does not meet current zoning standards.
- Development documentation is generally poor in these neighborhoods: most properties predate 1938 and do not have Certificates of Occupancy, while other forms of documentation, such as Sanborn maps and historical aerial photographs are inconsistently available and are often of poor quality.

These documentation challenges, applied to the thousands of properties expected to be rebuilt or elevated in the coming years, are hindering the recovery process in these impacted neighborhoods.

### **Overview of Proposed Text Amendment**

This proposed text amendment provides special, optional regulations which apply to a limited set of homes in designated “Neighborhood Recovery Areas”. These regulations will be contained in a new appendix (“Appendix A”) of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas). While the Appendix A provisions are entirely optional, they must be utilized in their entirety; an elevation or reconstruction which utilizes one provision of Appendix A must also comply with all other applicable provisions of the Appendix.

Because these regulations are designed to expedite recovery from Hurricane Sandy, and not to provide long-term planning regulations, or circumvent planning regulations which are already in place, Appendix A will have a limited timeframe during which it is in effect. The regulations will be in effect for five years from the date of adoption, during which time plan approval and building permits may be obtained from the Department of Buildings pursuant to these regulations. Upon the sunset of these regulations, a provision will allow construction to continue for up to two years, based on permits already obtained during the five-year effective period. Subsequently, the vesting provisions of Article I, Chapter 1, (Section 11-30 et. seq.) will apply.

### **Neighborhood Recovery Areas**

The provisions of Appendix A will only apply in limited areas, called “Neighborhood Recovery Areas.” These areas are designated by the Department of City Planning based on a number of criteria, which were developed in collaboration with co-applicants HRO and HPD, and which constitute the causes of impeded storm recovery.

To be considered for inclusion in a Neighborhood Recovery Area, homes need to be located in portions of the Hurricane Sandy inundation area, located within the 100-year flood plain designated on FEMA’s Flood Insurance Rate Maps. In addition, the area needed to meet the following criteria:

1. High prevalence of homes with significant structural damage from Hurricane Sandy, as indicated by the presence of red and yellow tags issued as part of the Department of Building’s post-Sandy building placard initiative.
2. High prevalence of non-conformances, and/or a high prevalence of non-compliant lots, which typically indicate a likelihood of the home itself having bulk non-compliances.
3. A predominance of building typologies which would be able to benefit from these optional regulations, particularly single- and two-family detached residences.
4. A difficulty documenting the history of both non-compliances and non-conformances, as indicated by a neighborhood-wide deficit in publicly accessible records, including Certificates of Occupancy from the DOB’s BIS website, and deeds on file with the Department of Finance’s ACRIS website.

Multiple criteria needed to be met in order to designate a Neighborhood Recovery Area; the presence of only one issue did not indicate the presence of a major neighborhood-scale impediment to recovery from Hurricane Sandy. A neighborhood with a high degree of significant damage or destruction, but able to document the history of non-compliant properties, can currently utilize existing regulations in both Article V, Chapter 4 and Article VI, Chapter 4 in order to repair, elevate, or rebuild these homes to flood resistant construction standards.

In the analysis which preceded the development of these regulations, the Department of City Planning identified the presence of substandard lot conditions as a major issue facing homeowners in low-density residence districts in the flood zone. These substandard lots (existing

zoning lots which do not meet their current zoning district's minimum lot width, minimum lot area, and/or are extremely shallow) present a major obstacle to homeowners who are either retrofitting their home (through elevation or reconstruction) or to new development of flood resilient homes in the future. This text amendment would be applicable to areas with a high concentration of both substandard lots and substantial damage from Hurricane Sandy and would now have the ability to utilize new provisions which relieve many of the zoning impediments which affect these lots. Recognizing that there are areas where these obstacles are present, but where there was not significant damage sustained during Hurricane Sandy, the Department intends to propose permanent zoning regulations which will address zoning issues pertaining to substandard lots in the flood zone as part of a future city-wide zoning text amendment.

### **Special Requirements to Utilize These Provisions**

The provisions of this recovery-focused text amendment are only applicable to a limited set of properties. In addition to being located in a Neighborhood Recovery Area as described above, properties to which these provisions may apply must also demonstrate that a residence existed on the property prior to the date of Hurricane Sandy, October 29, 2012. In order to demonstrate this, an aerial photograph (from the aerial survey of New York City taken during 2012 and publicly available at the NYCityMap website) must be submitted at the time of application for plan approval at the Department of Buildings. To accommodate the variations in date on which these 2012 aerial images were captured, the image submitted may have been taken up to one year prior to the date of Hurricane Sandy. In addition, to demonstrate that the structure depicted in the aerial image was used as a residence, a copy of a tax bill for the property must also be included in the application for plan approval, stating that the property was assessed as a residence.

Finally, the provisions of this text amendment will only apply to homes that will utilize these provisions to achieve the elevation or reconstruction of a single- or two-family home in full compliance with Appendix G of the New York City Building Code.

### **Utilization of a Tax Lot as opposed to a Zoning Lot**

Many houses in these areas were built on single large zoning lots as part of the early development of beach communities, and were subsequently only divided into separate tax lots.

The inability to effectively document the boundaries and historical ownership of a single homeowner's zoning lot is a major hindrance to recovery in the beachfront communities affected by this text amendment. In addition to providing proof of the boundaries of the zoning lot both in 1961 and at the time of any subsequent zoning text or map amendment, properties with substandard lot widths or lot areas relative to current zoning district standards also require documentation that the property was owned separately and individually both on December 15, 1961, at the time of any subsequent zoning text or map amendment, and at the time of application for plan approval at the Department of Buildings. Due to the difficulty furnishing this documentation, or more fundamentally, establishing the bounds of a particular zoning lot before applicable zoning changes, and in order to expedite recovery work from Hurricane Sandy, this text amendment will allow homeowners utilizing the provisions of Appendix A to provisionally consider their tax lot as their zoning lot. In this case, the tax lot will provide a temporary reference point from which to measure yards and make other bulk calculations, however it will not permanently supersede any existing zoning lots relating to the property. Additionally, a property on which a building was elevated or reconstructed pursuant to these provisions may not continue to reference the tax lot as a temporary zoning lot for future extensions, enlargements, or developments, and will have to demonstrate full compliance with zoning regulations in relationship to the existing zoning lot of which the tax lot is a part.

#### **Establishing non-conformance of existing homes**

Many homes in the beachfront communities affected by this text amendment were never obligated to obtain Certificates of Occupancy because they were built prior to 1938, the year when the Department of Buildings began issuing such Certificates. This is particularly problematic in the case of two-family homes which exist on properties where current zoning regulations would not permit them either because the current zoning district only allows single family homes or because the property is too small to satisfy the density requirements that would allow two-dwelling units. To ensure these homes can recover from Hurricane Sandy, and can become more resilient, this text amendment will create a new special permit, obtained from the Board of Standards and Appeals, which would provide an alternative method for establishing these two-family homes as *non-conforming*, thus allowing them to be elevated or reconstructed.

### **Establishing non-compliance of existing homes**

To establish the *non-compliant* status of a property or structure which does not comply with the zoning regulations in effect today, a homeowner must demonstrate, with documents such as historical land surveys, Sanborn Atlas maps, Certificates of Occupancy, and photographs, that such *non-compliance* was lawfully constructed, and predates the zoning text or map amendment that disallowed the non-compliance. This standard of documentation is required of all buildings in the City, however in the case of the beachfront neighborhoods affected by this text amendment, the lack of any original documentation, or the destruction of this documentation during Hurricane Sandy, is creating an obstacle to recovery at a large scale. To expedite recovery in these neighborhoods, a survey prepared by a licensed land surveyor of the structure and property as it exists at the time of application for plan approval at DOB, will be accepted as sufficient documentation of non-compliance as it is defined in the Zoning Resolution. These non-compliances will be permitted to be elevated or rebuilt in accordance with the regulations of the Appendix, as well as Article V, Chapter 4 and Article VI, Chapter 4. Upon completion and sign-off of all work under this Appendix, a home will be considered legally non-compliant and able to utilize the provisions of Article V and Article VI, Chapter 4 in the future.

### **Special bulk regulations for elevated homes**

Homes which will be elevated (as opposed to completely rebuilt) may raise their home to the Flood Resistant Construction Elevation (FRCE) in accordance with the regulations applying in the flood zone, in Article VI, Chapter 4. To further facilitate the elevation of Hurricane Sandy-damaged homes, several provisions of Article VI, Chapter 4 have been modified to accommodate the rebuilding of homes in contexts which were not anticipated during the writing of the first Flood Resilience Text Amendment, but which are prevalent in the communities affected by this text amendment.

### **Regulations for rebuilt portions of elevated homes**

In the process of elevating a home, architectural and structural factors often make it necessary to repair or in some cases entirely rebuild a portion of the structure. In some cases, particularly for the elevation of homes which sit on a slab-on-grade foundation, it is necessary to actually rebuild

the entire floor and foundation system of the first story. To facilitate these necessary steps in the process of elevating an existing home, this text allows up to 75 percent of the floor area of an existing home to be rebuilt while utilizing the provisions applicable to the elevation of an existing home, including any portions of the home which are non-compliant. Any elevation of an existing home which requires the rebuilding of over 75 percent of square footage considered to be floor area must comply with the bulk requirements applicable to a fully-reconstructed home.

#### New provisions for below-grade spaces

The current zoning regulations which permit the elevation of an existing home only allow for the elevation of those spaces which are “at or above grade”. This has been identified as a major disincentive for many homeowners to bring their home into compliance with flood resistant construction standards, as it will result in the loss of any and all dwelling space located below grade. In the case of a single-story home with a basement, the loss of this space can sometimes constitute the loss of up to 50 percent of a home’s square footage. In order to remove this disincentive, this text will allow the elevation of space which is less than one-half below grade to be elevated to the FRCE. When utilized in combination with the prior provision for rebuilt portions of elevated homes, this will allow homeowners who stand to lose up to 50 percent of their space to retain it in the form of a newly-constructed floor added to the existing portion of their home which is being elevated.

#### New provisions for buildings located over water

Over 100 properties in the Build it Back program were identified as currently located over water. In order to come into compliance with the flood resistant construction standards of the NYC Building Code, as well as to allow Build it Back to comply with federal regulations preventing the reconstruction of homes over water, this text will permit the non-compliant footprint of homes located either partially or entirely over water to be shifted landward on the zoning lot, up to the front yard line, even if the relocation on the lot creates new non-compliances in side and rear yards. These buildings will be required to maintain a minimum of three feet of open area from the exterior wall of the building to any lot line.

#### Changes to permitted obstructions in open space, required yards, and courts:

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To ensure that no other zoning obstacles impede the elevation of existing homes on their existing lots, a number of regulations relating to permitted obstructions in required open space, required yards and courts, will be relaxed by this text amendment. This includes, specifically, an alignment of permitted obstruction regulations with the proposed new side yard reductions of this text amendment, thus allowing mechanical equipment to be located in a yard as a permitted obstruction provided it is located at least three feet, as opposed to the current five feet, from any lot line, and provided it is screened, and located no farther than 12 feet above the FRCE, or it is located on a roof.

### **Special Bulk Regulations for Reconstructed Homes**

This text clarifies that the rebuilding of homes damaged by Hurricane Sandy shall not be considered a *development* or *enlargement* as defined by the Zoning Resolution. Therefore parking requirements and certification procedures shall not apply to the rebuilding of these homes. However, homes which are reconstructed pursuant to these provisions would not be permitted to be subsequently enlarged pursuant to Section 54-313, or by utilizing BSA Special Permit 73-622.

### **Special regulations for homes on small lots**

On very small lots, specifically those which are 1,800 square feet or less, providing a home with a rational, livable layout is extremely difficult within the constraints of required open space, maximum allowable lot coverage, and maximum permitted floor area ratio (FAR). To facilitate elevation or reconstruction on these very small lots, open space, lot coverage, and floor area regulations of the zoning districts would not apply.

In order to facilitate the reconstruction of homes on substandard lots, and in particular to accommodate a wide range of building prototypes utilized by HPD in its reconstruction work, provisions relating to lot coverage and open space requirements were relaxed in several low-density districts to allow the minimum yard requirements of the district, as modified by this amendment, to govern the maximum amount of lot coverage and minimum amount of open space that would be required on a lot. Furthermore, to allow flexibility in the utilization of a lot's FAR, the "attic bonus" in paragraph (b) of 23-141, which allows a 20 percent increase in floor

area when located under a sloping roof, would be modified to permit the bonus floor area to be located anywhere within the residence, as opposed to directly under a sloping roof with structural headroom of five-to-eight feet.

#### Modification of density regulations

To facilitate the reconstruction of two-family homes which are non-conforming when located in single-family districts, or are non-complying with density regulations due to substandard lot size, this text amendment would modify these regulations as follows: Non-conforming two-family homes may be rebuilt provided that the home was previously documented as a two-family residence on its Certificate of Occupancy; or that the home would comply with the density requirements of Article II, Chapter 3 for the district in which the property is located. If a two-family home would neither meet the density requirement, nor has a Certificate of Occupancy documenting its two dwelling units, it may be reconstructed as a two-family home by obtaining a BSA special permit pursuant to Section 64-A71, which is proposed as part of this amendment.

#### New zoning envelope for narrow and shallow lots

Recognizing the difficulties faced in rebuilding homes on substandard lots, this text provides modifications to side yard and rear yard requirements for lots which do not meet the minimum lot width required by the applicable zoning district. The result of these several modifications to yards, height and setback is a new, more contextual zoning envelope which is more appropriate to the small-scale bungalow communities which comprise the majority of areas affected by this text amendment. The text would expand the current side yard reduction allowance and would allow the minimum required side yards supplied on these substandard lots be reduced by four inches for each foot by which the width of the lot is less than required. The absolute minimum width required for a reduced side yard would be decreased from five feet as stipulated in Section 23-48, to three feet.

Similarly, the applicability of the current rear yard reduction provided for shallow lots would be expanded from the provisions in Section 23-52. This reduction would now be available to any lot less than 95 feet deep, and would allow any required rear yard to be reduced by six inches for

every foot by which the mean lot depth is less than 95 feet. This reduction may not result in a rear yard of less than ten feet in depth.

Homes constructed pursuant to these yard reductions would be required to abide by new, more stringent height and setback requirements, which supersede those of the applicable zoning district, and set a maximum perimeter wall height of 19 feet, and a maximum overall building height of 25 feet, resulting in a zoning envelope for residential buildings which is wider but shorter than the existing as-of-right envelopes of these low-density residential districts, and which would yield a much more rational and usable floor plan.

#### Special provisions for corner lots

Due to the high prevalence of corner lots in the neighborhoods affected by this text amendment, and in consideration of the challenge presented by the requirement to provide two front yards on a corner lot, this text amendment would allow corner lots to be treated as interior lots for the purposes of measuring required yards.

#### **Special Parking Regulations**

This text amendment would clarify that the Sandy-damaged homes which are reconstructed pursuant to these provisions shall not be considered developments or enlargements. Given this, reconstructions are not required to meet the parking requirements of the applicable zoning district if the home did not previously meet its parking requirements prior to Hurricane Sandy.

If required parking was provided prior to Hurricane Sandy, but the architectural constraints of rebuilding a home to flood-resistant constructions standards are such that these required parking spaces cannot be recreated on the lot, then these parking requirements may be waived for lots with both less than 25 feet of street frontage, and a FRCE of less than six feet above grade.

Furthermore, this text amendment clarifies that the parking required pursuant to Section 64-52 (For Elevated Buildings) may be located anywhere on the lot, and does not need to be provided directly below the lowest occupiable floor.

#### **Changes to the Special Design Requirements**

The existing design requirements for flood hazard areas set forth in Article VI, Chapter 4 are applicable to all homes which are elevated to, or rebuilt at, the FRCE, would be expanded for homes utilizing the provisions of Appendix A. These expanded design requirements provide more flexibility for a wide range of challenging situations which make meeting the design requirements difficult, such as corner lots, narrow lots, and lots with very shallow front yards of less than six feet in depth.

### **Homes in Manufacturing Districts**

The current provisions for flood hazard areas of Article VI, Chapter 4 do not allow for the elevation of homes located in manufacturing districts. Furthermore, the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) do not allow for these non-conforming homes to be reconstructed because the damage caused by Hurricane Sandy typically exceeds the amount of destruction that would allow for reconstruction. This leaves the homeowners of these non-conforming homes with no option for making flood-resilient retrofits to their home. In order to facilitate the elevation and reconstruction of these homes to safer, flood-resistant construction standards, this text amendment would allow non-conforming single- or two-family residences in manufacturing districts to be elevated or reconstructed. In the case of reconstruction of single or two-family homes in a manufacturing district, the bulk regulations of the manufacturing district would not be appropriate for a residential building. Therefore, it is proposed that the bulk regulations of an R4-1 residence district would apply to these non-conforming one- and two-family homes, and may be further modified pursuant to the bulk regulations of Appendix A.

### **Legalization of Undocumented Two-Family Homes**

In order to facilitate the elevation or reconstruction of existing two-family homes to safer, flood-resistant construction standards, this text amendment would create a new BSA Special Permit to establish the *non-conforming* status of these existing two-family homes, in situations where such two-family homes would not be permitted by the applicable zoning district regulations, and where non-conformance cannot be demonstrated with a historical Certificate of Occupancy.

In considering the merits of an application for this special permit, the BSA would have to find, based on a review of evidence demonstrating that two dwelling units existed on the site on the

day before Hurricane Sandy (October 28, 2012), and would be able to accept a wide range of documentation submitted by a homeowner, which could include, but would need not be limited to, Department of Finance tax records, utility bills, or an affidavit from a licensed architect or engineer that documents an on-site inspection of the property.

Two-family homes which would be granted this special permit must be elevated or reconstructed in accordance with the applicable bulk regulations of Appendix A. Upon completion, these homes would be considered *non-conforming*.

### **ENVIRONMENTAL REVIEW**

This application (N 150302 ZRY) 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 designated CEQR number is 15DCP133Y. The lead is the City Planning Commission.

The Department of City Planning, on behalf of the City Planning Commission as CEQR Lead Agency, has determined that the Special Regulations for Neighborhood Recovery Text Amendment "would not meet or exceed any of the thresholds provided in § 617.4" and accordingly is a Type II action pursuant to NYCRR Part 617.4.

### **PUBLIC REVIEW**

This application (N 150302 ZRY) was duly referred on March 30, 2015, to all affected community boards, borough presidents and borough boards in accordance with the procedure for referring non-ULURP matters. The recommendations issued by Community Boards, Borough Presidents, and Borough Boards are all based on review of the original application.

## **Community Board Review**

### Brooklyn

Community Board 13: On April 22, 2015, Community Board 13 voted to recommend approval of the application by a vote of 34 in favor, none opposed, and two abstentions.

Community Board 15: On April 20, 2015, Community Board 15 voted to recommend approval of the application with the condition that the text amendment be modified to include the neighborhood of Manhattan Beach.

Community Board 18: On April 15, 2015, Community Board 18 voted to recommend approval of the application with the condition that the City Council and Administration provide low-cost loans and other financial assistance for homeowners making their homes flood-resistant, by a vote of 28 in favor, one opposed, and no abstentions.

### Queens

Community Board 10: On April 2, 2015, Community Board 10 voted to waive its public hearing on the application in order to express its full support for the application and expedite the application's approval process.

Community Board 13: On April 27, 2015, Community Board 13 held a public hearing on the application, at which Department of City Planning staff presented. No recommendation was submitted by the Community Board.

Community Board 14: On April 29, 2015, Community Board 14 voted to waive the public hearing on the application in order to expedite the application's public review process.

### Staten Island

Community Board 2: On April 21, 2015, Community Board 2 voted to recommend approval of the application by a vote of 34 in favor, two opposed, and one abstention.

Community Board 3: On April 28, 2015, Community Board 3 unanimously voted to recommend approval of the application by a vote of 42 in favor, none opposed, and no abstentions.

## **Borough Board Review**

On May 5, 2015, the Brooklyn Borough Board voted unanimously in support of the application by a vote of 11 in favor, none opposed and no abstentions; subject to the condition that the text be modified according to the following:

- a) “Zoning Resolution Section 64-A80, Neighborhood Recovery Area Maps of Appendix A: Special Regulations for Neighborhood Recovery be amended to modify Map 2: Neighborhood Recovery Areas in Brooklyn Community Districts 13 and 15, to include the neighborhood of Manhattan Beach” and
- b) “[T]hat the Administration and City Council, in order to assist those households for whom the additional cost of mandatory flood insurance or alternative refinancing or secondary mortgages to fund the rebuilding or elevating of their homes would result in commitment of more than 30% of the household income to housing costs, by including for the provision of financial assistance for homeowners to make such improvements through offerings such as low-cost loans, real estate tax abatements or exemptions, or other financial mechanisms.”

On May 11, 2015, the Queens Borough Board met, at which the chairpersons of Community Boards 10, 13, and 14, as well as the three Councilmembers present, stated their support for the proposed amendment. At the conclusion of this meeting, the Queens Borough President issued a recommendation supporting approval of the text amendment.

No recommendation was received from the Staten Island Borough Board.

## **Borough President Review**

On May 14, 2015, the Brooklyn Borough President issued a letter recommending approval of the application with the recommendations adopted by the Brooklyn Borough Board.

On May 7, 2015, the Queens Borough President held a public hearing on the application and issued a on May 13, 2015 issued a letter recommending approval of the application.

No recommendation was received from the Staten Island Borough President.

### **City Planning Commission Public Hearing**

On May 20, 2015 (Calendar No. 6), the City Planning Commission scheduled a public hearing on this application (N 150302 ZRY) for June 3, 2015. The hearing was duly held on June 3, 2015 (Calendar No. 21). There were three speakers in favor of the application and no speakers in opposition.

The Director of the Mayor's Office of Housing Recovery Operations (a co-applicant on the application) spoke in favor of the application, stating that the text amendment was the result of extensive collaboration between civil leaders, community members, elected officials, and city agencies, and would greatly improve the ability of the Mayor's Office of Housing Recovery Operations to expeditiously restore homes impacted by Hurricane Sandy.

A representative of the Department of Housing Preservation and Development (a co-applicant on the application) spoke in favor of the application, noting a number of ways in which the text would improve the speed and efficiency of the agency's reconstruction efforts, in particular the new lower, wider zoning envelope for narrow and shallow lots, and concluded that the text amendment will address the urgent need to assist homeowners in moving forward with the stalled reconstruction of their homes.

A representative of the Board of Standards of Appeals (BSA) spoke in favor of the application, noting that the text amendment will greatly reduce the number of homes which require zoning relief from the BSA, and that the BSA has reviewed and fully supports the new Special Permit 64-A71 for Establishing Non-Conformance of two-family homes.

There were no other speakers and the hearing was closed.

Additionally, written testimony was submitted by the president of the Broad Channel Civic Association in favor of the application.

### **Waterfront Revitalization Program Consistency Review**

This application was reviewed by the Department of City Planning 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 13, 1999 and by the New York State Department of State on May 28, 2002, 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 15-040. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that the application for the zoning text amendment, Special Regulations for Neighborhood Recovery (N 150302 ZRY) is appropriate.

The Commission recognizes that there have been significant obstacles impeding the work of the City agencies charged with elevating and rebuilding homes in the aftermath of Hurricane Sandy, and that among these obstacles are zoning regulations whose requirements are not matched to the low-density beachfront communities that were hardest-hit by the storm. Likewise, it recognizes that these requirements can be difficult – and in some cases impossible – to meet in the process of rebuilding homes that existed prior to the storm to comply with new flood elevations. The Commission seeks to further the goal of restoring the pre-storm housing stock of these neighborhoods, while also upgrading this housing stock to the latest flood-resistant construction standards, and furthermore believes it is essential to accomplish this task in the most expeditious manner as possible. Therefore, it is essential to provide further zoning solutions to facilitate this recovery work and ensure neighborhood-wide recovery, in the form of this zoning text amendment.

The Commission notes the broad support which this application received during the public review process from Community Boards, Borough Boards, and Borough Presidents.

The Commission received recommendations from Brooklyn Community Board 15, and the Brooklyn Borough President and Borough Board, recommending that the neighborhood of Manhattan Beach be included in the Neighborhood Recovery Area designated in Community Board 15. Expanding the zoning text amendment to include the neighborhood of Manhattan Beach would be beyond the scope of this application.

Nevertheless, upon receipt of this recommendation, the Department conducted a rigorous analysis of properties in Manhattan Beach. Of the approximately 1,100 properties in the flood zone, 14 of these homes are in the Build it Back elevation or rebuild pipeline. Additionally, while Manhattan Beach was greatly impacted by Hurricane Sandy, few DOB damage tags were issued in this neighborhood in the months following the storm: only 13 yellow tags, indicating some damage, and one red tag, indicating severe damage or destruction were issued. The neighborhood's building stock is characterized by homes of higher construction quality, on larger lots than other neighborhood recovery areas, which are often characterized by former summer bungalows converted to year-round occupation.

The Commission found that these homes are well-documented, with, in most cases, both Certificates of Occupancy as well as deeds available online from public databases. Based on these characteristics, the Department concluded that inclusion of Manhattan Beach in this text amendment was not necessary, in that the major obstacles preventing broad recovery in other areas affected by this text amendment were not present in Manhattan Beach, and that homeowners in this neighborhood, just as homeowners in any other part of the flood zone, may continue to avail themselves of the regulations adopted by the Commission in 2013 in order to elevate or rebuild their homes in accordance with the latest flood resistant construction standards.

The Commission is making several additional modifications to the proposed text amendment (N 150302 ZRY) based on recommendations from the Department of City Planning. These modifications include clarification of how to determine the bulk regulations applicable to newly-permitted reconstruction of homes in Manufacturing Districts, as well as changes to a number of sections in the proposed text amendment to correct cross-references, grammar, and improve paragraph structure.

## **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**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 201 of the New York City Charter, that based on the environmental determination and 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 as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, 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**

\* \* \*

#### **11-30**

##### **BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT**

\* \* \*

## 11-339

### Post-Hurricane Sandy construction

The provisions of this Section shall apply within the #flood zone#. The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the Building Code of the City of New York, or its successors, including those pertaining to expiration, reinstatement, revocation and suspension. Changes in #flood maps# shall be considered an amendment of the Zoning Resolution pursuant to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT).

\* \* \*

- (c) Provisions applying in the event that Flood Resilience Zoning Text Amendment expires

This provision shall become effective only upon the expiration of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), adopted on October 9, 2013. If an application for approval of construction documents has been approved on or before the expiration of Article VI, Chapter 4, a building permit authorizing such construction may be issued pursuant to Article VI, Chapter 4, and such construction may continue until a date six years after the expiration of Article VI, Chapter 4. After such date, the vesting provisions of Section 11-30 shall apply.

- (d) Provisions applying when Appendix A (Special Regulations for Neighborhood Recovery) of Article VI, Chapter 4 expires

This provision shall become effective only upon the expiration of Appendix A (Special Regulations for Neighborhood Recovery), adopted on [effective date of text amendment]. If a building permit authorizing construction pursuant to Appendix A has been approved on or before the expiration of such Appendix, construction may continue up to two years after the expiration. After such date, the provisions of Section 11-30 shall apply.

\* \* \*

## ARTICLE VI

### SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

\* \* \*

#### Chapter 4

#### Special Regulations Applying in Flood Hazard Areas

## 64-00

### GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to encourage flood-resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the Federal government and the New York City Building Code;
- (b) to enable buildings to be constructed pursuant to flood-resistant standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; ~~and~~
- (d) to expedite the recovery of neighborhoods that experienced a high concentration of damage to #single-# and #two-family residences# from Hurricane Sandy within the Neighborhood Recovery Areas specified in Appendix A of this Chapter; and
- (e) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

\* \* \*

## **64-12 Applicability**

The provisions of this Chapter shall apply only within the #flood zone#, as follows:

- (a) Except where otherwise stated, all #buildings#, or portions thereof, shall comply with #flood-resistant construction standards# as a condition of construction pursuant to the following optional provisions, as applicable, inclusive:

Section 64-10      GENERAL PROVISIONS

Section 64-20      SPECIAL USE REGULATIONS

Section 64-30      SPECIAL BULK REGULATIONS

Section 64-40      SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON  
OCTOBER 28, 2012

Section 64-50      SPECIAL PARKING REGULATIONS

Section 64-70 SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Section 64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

Section 64-90 SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (~~Design Screening~~ Requirements for Parking Within or Areas-Below Buildings) shall apply to all #buildings# as provided therein.
- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within such #flood zone#.
- (d) In Neighborhood Recovery Areas, shown on maps in Section 64-A80 (NEIGHBORHOOD RECOVERY AREA MAPS) of this Chapter, optional provisions to expedite the vertical elevation or reconstruction of #single-# or #two-family residences# shall apply. These provisions are set forth in Appendix A and shall supplement, supersede or modify the provisions of this Chapter. The maps are hereby incorporated and made part of this Resolution, for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter may apply.

### **64-13 Applicability of District Regulations**

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, the provisions of this Chapter shall control.

\* \* \*

### **64-40 SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012**

The following provisions shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#.

\* \* \*

### **64-431**

**For existing single- and two-family residences**

~~#Single-# and #two-family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest floor level containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in so doing may create a #non-compliance# as to height and setback to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#.~~

~~Where the elevation requirements of Appendix G of the New York City Building Code apply to the lowest horizontal structural member, #single # and #two family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in so doing may create a #non-compliance# as to height and setback to the extent that such lowest horizontal structural member is elevated or reconstructed to #flood-resistant construction elevation#.~~

This Section shall not preclude the construction of complying #enlargements# or other complying structures on the #zoning lot#.

#Buildings# that were complying on October 28, 2012, and vertically elevated or reconstructed to a higher elevation, pursuant to this Section, shall be considered legal #non-complying buildings#.

\* \* \*

**64-70  
SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

\* \* \*

**64-723  
Non-complying single- and two-family residences**

- (a) The provisions of Article V, Chapter 4, shall be modified to permit #single-# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation ~~in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to #flood-resistant construction elevation#.~~

~~Where the elevation requirements of Appendix G of the New York City Building Code apply to the lowest horizontal structural member, the provisions of Article V, Chapter 4, shall be modified to permit #single # and #two family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor~~

containing habitable space that was located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#.

Such vertical elevation or reconstruction may create a new #non-compliance# as to height and setback, or increase any existing #non-compliances# as to height and setback, required #open space# and #yard# regulations to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#. However, all other provisions of Article V, Chapter 4, shall apply without modification.

This Section shall not preclude the construction of complying #enlargements# or other complying #buildings or other structures# on the #zoning lot#.

Furthermore, the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply to such elevated, relocated or reconstructed #buildings#.

\* \* \*

## **64-92**

### **Special Permit for Modification of Certain Zoning Regulations**

\* \* \*

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

## **Appendix A**

### **Special Regulations for Neighborhood Recovery**

#### **64-A00**

##### **GENERAL PROVISIONS**

The provisions of this Resolution shall apply as modified by this Chapter and by the special regulations set forth in this Appendix A. The provisions of this Appendix are optional, but when utilized, shall be applied in their entirety. This Appendix shall be in effect until [five years from effective date of text amendment], at which time it shall automatically expire.

#### **64-A01**

##### **Applicability of Special Regulations for Neighborhood Recovery**

The provisions of this Appendix shall only be applicable to #buildings# containing #residential use# whose vertical elevation or reconstruction will result in a #single-# or #two-family residence# that complies with #flood-resistant construction standards#, where such #building# is located in a Neighborhood Recovery Area (Section 64-A80), inclusive.

## **64-A02**

### **Special Requirements for Application**

Prior to the approval of any application to the Department of Buildings pursuant to this Appendix, an applicant shall submit the following documents in order to establish that there was a #building# on the subject lot that contained a #residential use# on October 28, 2012:

- (a) an aerial photograph taken up to one year prior to October 28, 2012 establishing that a #building# existed on the subject lot on October 28, 2012; and
- (b) a 2012 tax bill or assessment roll for the subject lot stating that such #building# contained a #residential use#.

Where the documents specified in this Section are unavailable or inconclusive, the Department of Buildings may accept alternative documentation to satisfy the requirements of paragraphs (a) or (b).

## **64-A03**

### **Zoning Lots in Neighborhood Recovery Areas**

The definition of #zoning lot# set forth in Section 12-10 (DEFINITIONS) shall apply in this Appendix. However, as an option, where a tax lot contained one or more #buildings# on October 28, 2012, or where a #building# or #buildings# occupied more than one tax lot on October 28, 2012, such tax lot may be provisionally considered a #zoning lot# for the sole purpose of demonstrating compliance with the #bulk# requirements of this Resolution, and shall be referred to as a #zoning lot# in this Appendix, provided that the proposed application will not affect compliance with any applicable provisions of the New York City Building Code or Fire Code with respect to access to the same or other #zoning lots# on the same #block#, unless a waiver or modification is obtained from the Department of Buildings or the Fire Department, respectively.

## **64-A10**

### **SPECIAL REGULATIONS FOR ESTABLISHING NON-CONFORMANCE AND NON-COMPLIANCE**

## **64-A11**

### **Special Regulations for Establishing Non-conformance of Residences**

In all #districts#, for a #zoning lot# that contained two or more #dwelling units# on October 28, 2012 which does not have lawful documentation indicating that more than one #dwelling unit# existed on the #zoning lot# on such date, the Board of Standards and Appeals may permit the vertical elevation or reconstruction of #buildings# containing such #dwelling units# and may establish #non-conformance# of such #buildings#, pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

## **64-A12**

### **Special Regulations for Establishing Non-compliance of Existing Buildings**

In all districts, a #building# containing #residences#, and any other structure that is attached to such #building#, including porches, stairs, terraces or balconies, that existed both on October 28, 2012, and on the date of application for a building permit, may be considered #non-complying# for the purpose of utilizing the applicable provisions of Article V, Chapter 4 and Article VI, Chapter 4 of this Resolution relating to #non-complying buildings or other structures# provided that:

- (a) a survey, prepared by a licensed land surveyor, specifying the location and height of such #building# and any other structures that are attached to such #building#, is submitted as documentation of such #non-compliance#; and
  
- (b) such #building# shall either be vertically elevated in compliance with the #bulk# provisions of Section 64-A20 (SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS), or be reconstructed in compliance with the #bulk# provisions of Section 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).

Upon completion and sign-off of work completed pursuant to the provisions of this Appendix, the #building# shall be considered #non-complying#.

## **64-A20**

### **SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS**

The provisions of this Section shall apply to the vertical elevation of #buildings# containing #residences# that existed on October 28, 2012. Except as specifically modified by the provisions of this Section, inclusive, the applicable #bulk# regulations of this Chapter, the regulations of Article V of this Resolution, and the applicable zoning district shall remain in effect.

No #building# that is vertically elevated pursuant to this Section shall subsequently be #enlarged# pursuant to paragraph (b) of Section 54-313 (Single- or two-family residences with non-complying front yards or side yards) or Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

## **64-A21**

### **Special Regulations for Rebuilt Portions of Vertically Elevated Buildings**

A portion of a #building# that is being vertically elevated pursuant to this Appendix may be rebuilt, provided that:

- (a) such rebuilt portion does not exceed 75 percent of the existing #floor area# of such #building#; and

(b) except as specifically allowed by this Chapter, no new #non-compliance# shall be created, nor shall the degree of any existing #non-compliance# be increased, beyond that established pursuant to Section 64-A10 (SPECIAL REGULATIONS FOR ESTABLISHING NON-CONFORMANCE AND NON-COMPLIANCE).

If the rebuilt portion of a #building# exceeds 75 percent of the existing #floor area# of the #building#, such #building# shall be subject to the regulations of 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).

### **64-A22**

#### **Special Regulations for Space Partially Below Grade**

For a #building# where the lowest floor containing habitable space is partially below adjoining grade, and at least one-half of the floor-to-ceiling height of such floor is above adjoining grade, such #building# may be vertically elevated in order to raise the lowest floor containing habitable space to the #flood-resistant construction elevation#, provided that:

- (a) the elevated #building# does not exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section; and
- (b) the height of such elevated #building#, including the apex of a pitched roof, does not exceed 25 feet, as measured from the #flood-resistant construction elevation#.

Any floor space that becomes #floor area# in excess of the maximum permitted #floor area ratio# for such #zoning lot#, as a result of the vertical elevation, shall be considered #non-complying floor area#. Such vertical elevation may increase any existing #non-compliances# with respect to required #open space# and #yard# regulations to the extent that such #non-compliance# results from the elevation of the lowest floor to the #flood-resistant construction elevation#. All other provisions of Article V, Chapter 4 (Non-complying Buildings), shall apply without modification.

The level of the adjoining grade shall be the average elevation of the grade adjoining the building, before it is elevated, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation.

### **64-A23**

#### **Special Regulations for Existing Buildings Located Over Water**

For a #building# that will be vertically elevated and is located either partially or entirely seaward of the #shoreline#, such #building# may be relocated landward of the #shoreline# on the same #zoning lot#. Such relocation may create a new #non-compliance# or increase the degree of any

existing #non-compliance# as to #side yards#, waterfront yards, #rear yards# or #rear yard equivalents#, provided that:

- (a) an open area of at least three feet shall be maintained between the exterior wall of the #building# and any #lot line#; and
- (b) except as specifically allowed by this Chapter, no new #non-compliance# shall be created, nor shall the degree of any existing #non-compliance# be increased, beyond that established pursuant to Section 64-A12 (Special Regulations for Establishing Non-compliance of Existing Buildings).

#### **64-A24**

#### **Permitted Obstructions in Required Open Space, Yards and Courts**

The provisions of Sections 23-12 (Permitted Obstructions in Open Space), 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 64-421 (Permitted obstructions) shall be modified such that:

- (a) mechanical equipment, including but not limited to #accessory# heating and cooling equipment, fuel oil tanks and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent# and in #courts#, provided such equipment:

(1) is located at least three feet from any #lot line#;

(2) is screened on all sides by walls consisting of at least 50 percent opaque materials; and

(3) is in compliance with the standards of either of the following provisions:

(i) all structure and screening are located no more than ten feet from the wall of a #building# and limited to a height of no more than 12 feet above #flood-resistant construction elevation#; or

(ii) is located on the roof of a #building or other structure#, provided that the height of such equipment and screening does not exceed six feet, as measured from the finished level of a flat roof, or for a sloping roof as measured from the midpoint of such roof. Such equipment shall be located not less than 15 feet from any #street wall# of a #building or other structure#.

- (b) visual mitigation elements, provided pursuant to Section 64-A50 (SPECIAL DESIGN REQUIREMENTS) shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#.

#### **64-A30**

**SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012**

The #bulk# regulations of this Section shall apply only to the permitted reconstruction of a #building#, that existed on October 28, 2012, that results in a #single-# or #two-family detached residence#. Except as specifically modified by the provisions of this Section, inclusive, the #bulk# regulations of this Chapter and the applicable zoning district shall remain in effect. #Buildings# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

No #building# that is reconstructed pursuant to this Section shall subsequently be #enlarged# pursuant to paragraph (b) of Section 54-313 (Single- or two-family residences with non-complying front yards or side yards) or Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

**64-A31**

**Special Regulations for Minimum Required Open Space, Maximum Lot Coverage and Maximum Floor Area**

**64-A311**

**Lot coverage and open space**

In R1-2A, R2A, R3-1, R3-2 and R4 Districts, except R4B, for #zoning lots# that do not meet the required minimum #lot area# or #lot width# of the applicable district, #lot coverage# and #open space# shall be governed by the #yard# requirements set forth in Section 64-A35 (Special Yard Regulations).

**64-A312**

**Floor area**

In R2X, R3, R4, R4A and R4-1 Districts, the #floor area ratio# set forth in the table in paragraph (b) of Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts), may be increased by 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.

**64-A313**

**Special open space, lot coverage and floor area regulations for small lots**

R1 R2 R3 R4 R5 R6

In the districts indicated, for #zoning lots# with a #lot area# of less than 1,800 square feet, #open space#, #lot coverage# and #floor area ratio# regulations shall not apply. In lieu thereof, the #yard# requirements set forth in Section 64-A35 (Special Yard Regulations) and the height and setback requirements of Section 64-A36 (Special Height and Setback Regulations) shall govern.

**64-A32**

**Special Regulations for Maximum Number of Dwelling Units and Minimum Size of Dwelling Units**

**64-A321**

**Maximum number of dwelling units**

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 23-22 (Maximum Number of Dwelling Units or Rooming Units) shall not apply. In lieu thereof, not more than one #single-family detached residence# or, where permitted in the applicable zoning district pursuant to Section 22-12 (Use Group 2), one #two-family detached residence#, may be reconstructed. However, any #two-family detached residence# may only be reconstructed if such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

**64-A322**

**Minimum size of dwelling units**

R3 R4A R4-1

In the districts indicated, the minimum size of #dwelling units# as set forth in paragraph (b) of Section 23-23 shall not apply to the permitted reconstruction of a #two-family detached residence#.

**64-A33**

**Special Regulations for Minimum Lot Area or Lot Width for Residences**

In all districts, including #lower density growth management areas#, either one #single-family detached residence# or, where permitted in the applicable zoning district pursuant to Section 22-12 (Use Group 2), one #two-family detached residence# may be reconstructed upon a #zoning lot# that:

- (a) has less than the prescribed minimum #lot area# or #lot width# as required by the applicable district regulations; and
- (b) if reconstructed as a #two-family detached residence#, either:
  - (1) complies with the maximum number of #dwelling units# requirement of the applicable zoning district; or

(2) such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

#### **64-A34**

#### **Permitted Obstructions in Required Open Space, Yards and Courts**

The provisions of Sections 23-12 (Permitted Obstructions in Open Space), 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 64-421 (Permitted obstructions) shall be modified as follows:

(a) mechanical equipment, including but not limited to #accessory# heating and cooling equipment, fuel oil tanks and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent# and in #courts#, provided that such equipment:

(1) is located at least three feet from any #lot line#;

(2) is screened on all sides by walls consisting of at least 50 percent opaque materials; and

(3) is in compliance with the standards of either of the following provisions:

(i) all structure and screening are located no more than 10 feet from the wall of a #building# and limited to a height of no more than 12 feet above #flood-resistant construction elevation#; or

(ii) is located on the roof of a #building# or other structure, provided that the height of such equipment and screening does not exceed six feet, as measured from the finished level of a flat roof, or for a sloping roof, as measured from the midpoint of such roof. Such equipment shall be located not less than 15 feet from any #street wall# of a #building or other structure#.

(b) eaves, gutters or downspouts shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#, provided that such eave, gutter or downspout does not project further than 16 inches into such required #open space, yard# or #court#.

(c) visual mitigation elements, provided pursuant to Section 64-A50 (SPECIAL DESIGN REQUIREMENTS) shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#.

#### **64-A35**

#### **Special Yard Regulations**

#### **64-A351**

#### **Special provisions for front yards**

R1 R2 R3 R4 R5

- (a) In the districts indicated, the #front yard# provisions of the applicable district shall apply, except that in R4 and R5 Districts, a #front yard# may have a depth of any dimension equal to or exceeding ten feet.
- (b) In R1 through R5 Districts, where an enclosed garage fronts upon a #street#, there shall be an unobstructed area at ground level, between the garage door and the #street line#, which is at least eight and one half feet in width by 18 feet in depth, except no such space shall be required in R5D Districts. Where an unenclosed #accessory# off-street parking space is provided in an open area on a #zoning lot#, or provided beneath an elevated #building#, an unobstructed area at ground level which is at least eight and one half feet in width by 18 feet in depth shall be provided between the #street line# and such space.
- (c) For #buildings# that are reconstructed pursuant to this Section 64-A30, inclusive, the provisions regulating the depth of #front yards# in relation to adjacent #buildings#, set forth in paragraphs (b) and (c) of Section 23-45, shall not apply.

**64-A352**

**Special provisions for narrow lots**

R1 R2 R3 R4 R5 R6

- (a) In the districts indicated, the #side yard# provisions of the applicable district shall apply, except that the required total width of #side yards# for a #single-# or #two-family detached residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences). In no event shall the required width of a #side yard# be less than three feet. For #zoning lots# with less than 21 feet in #lot width#, the required total width of #side yards# shall be six feet.
- (b) In the #Special South Richmond Development District#, the provisions of Section 107-42 (Minimum Lot Area and Lot Width for Residences) and Section 107-462 (Side yards) shall not apply. In lieu thereof, the regulations of the applicable underlying #Residence District# shall apply pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences) and Section 23-46 (Minimum Required Side Yards) and may be modified, as applicable, by the regulations of this Appendix.
- (c) For the permitted reconstruction of #detached buildings# the provisions of paragraph (c) of Section 23-461 (Side yards for single- or two-family residences), shall not apply, provided such open area does not serve as access to required #accessory# off-street parking.

**64-A353**

**Special provisions for shallow lots**

R1 R2 R3 R4 R5 R6

In the districts indicated, if at any point the depth of a #zoning lot# is less than 95 feet, the depth of a required #rear yard# or waterfront yard may be reduced by six inches for each foot by which the mean lot depth is less than 95 feet. In no event shall the required depth of a rear yard be less than ten feet.

**64-A354**

**Special provisions for corner lots**

- (a) For #corner lots# in an R1-2 District, if one #front yard# has a depth of 20 feet, then the other #front yard# may have a depth of 15 feet.
- (b) For #corner lots# in R3 Districts, if one #front yard# has a depth of 15 feet, then the other #front yard# may have a depth of ten feet.
- (c) In all districts, for #corner lots# with less than the minimum #lot area# required pursuant to the applicable district regulations, the following provisions shall apply:
  - (1) one #front yard# shall be provided along the full length of either #front lot line#;
  - (2) the remaining #front lot line# shall be treated as a #side lot line#; and
  - (3) any #side lot line# that is parallel to, or within 45 degrees of being parallel to the #front lot line# selected pursuant to paragraph (c)(1) of this Section, shall be treated as a #rear lot line# and a #rear yard# shall be provided along the full length of such #lot line#

The #rear# and #side yards# provided pursuant to this Section may be reduced pursuant to Sections 64-A352 (Special provisions for narrow lots) and 64-A353 (Special provisions for shallow lots).

**64-A36**

**Special Height and Setback Regulations**

R1 R2 R3 R4 R5 R6

In the districts indicated, the height and setback regulations of the applicable district shall not apply. In lieu thereof, all #buildings# shall be subject to the height and setback provisions set forth in paragraph (b) of Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts), except that the maximum height of a perimeter wall before setback shall be 19 feet, the maximum height of a ridge line shall be 25 feet, and all heights shall be measured from the #flood-resistant construction elevation#. In no event shall any #building# exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section.

**64-A40**  
**SPECIAL PARKING PROVISIONS**

**64-A41**  
**Waiver of Requirements for Certain Zoning Lots**

R1 R2 R3 R4 R5 R6

In the districts indicated, the requirements set forth in Section 25-22 (Requirements Where Individual Parking Facilities Are Provided) shall be waived for a #single-# or #two-family residence# on an #interior zoning lot# that has a #lot width# along a #street# of less than 25 feet, and where the #flood-resistant construction elevation# is less than six feet above #curb level#.

**64-A42**  
**For Elevated Buildings**

The provisions of Section 64-52 (For Elevated Buildings) shall be modified to allow the #accessory# off-street parking spaces, required pursuant to that section, to be located anywhere on the #zoning lot#.

**64-A50**  
**SPECIAL DESIGN REQUIREMENTS**

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 64-61 (Design Requirements for Single- and Two-Family Residences) shall apply, except as expressly modified by this Section. Visual mitigation elements shall be required unless more than 50 percent of the #street wall# is within 18 inches of the #street line#.

**64-A51**  
**Special Regulations for Corner Lots**

The design requirements set forth in Section 64-61 shall apply separately along each #street frontage# of a #corner lot#, except as modified below:

- (a) For #corner lots#, where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, and more than 50 percent of the #street wall# of a #building# is within six feet of a #street line#, only one visual mitigation element shall be required along such #street# frontage.
- (b) For #corner lots#, where trees or shrubs are provided as visual mitigation elements along both #street frontages# pursuant to paragraph (d) of Section 64-61, the required total length of planted areas shall be reduced to a minimum of 45 percent of the aggregate length of #street walls#, provided that the planting bed is continuous for the minimum required length,

measured along such #street walls#, and at least six feet of planting bed is provided facing each #street#.

#### **64-A52**

##### **Special Regulations for Narrow Lots**

For #interior zoning lots# that have a #lot width# less than 25 feet, the design requirements of paragraph (d) of Section 64-61 shall be modified to require the total length of planted areas to be greater than 40 percent of the #lot width# and to be planted to screen at least 40 percent of the length of the #street wall#.

#### **64-A53**

##### **Special Regulations for Zoning Lots with Shallow Yards**

For #zoning lots# where more than 50 percent of the #street wall# of a #building# is located within six feet of a #street line#, one or more of the following visual mitigation elements may be provided in lieu of paragraph (d) of Section 64-61:

##### (a) Climbing vines

Where provided as a visual mitigation element, climbing vines shall be planted along 40 percent of the aggregate width of #street walls# in a planting bed that is at least 18 inches in width, measured perpendicular to the #street wall#, and allows a soil depth of at least two feet. A framework for the climbing vines shall be provided for the full length of the planting bed to a height of at least four feet. Such framework may be freestanding or attached to the #building#.

##### (b) Green wall

Where provided as a visual mitigation element, a green wall or landscaped fence shall extend along 40 percent of the aggregate width of #street walls# to a height of at least four feet. Hanging plants, potted plants or plant material shall be distributed along the entire length of such green wall or landscaped fence. The supporting structure may be freestanding or attached to the #building# and shall be considered a permitted obstruction in any required #yard#, #court# or #open space#.

##### (c) Planter box or raised planting bed

Where provided as a visual mitigation element, planter boxes or raised planting beds may be used in place of planting beds at grade. The top of such planter boxes shall be located between 18 and 36 inches above adjacent grade. Raised planting beds shall be at least 18 inches in height and shall not exceed 36 inches above adjacent grade. For planter boxes and raised planting beds, the minimum soil width shall be at least one foot, measured perpendicular to the street line, and the minimum soil depth shall be 18 inches. The planted area may be comprised of any combination of groundcover, perennials, annuals, shrubs, trees or other living plant material, and must attain a height of at least six inches. Planter boxes may be freestanding or attached to the #building#.

## **64-A60**

### **NON-CONFORMING AND NON-COMPLYING BUILDINGS**

## **64-A61**

### **Special Regulations for Non-conforming Single- or Two-Family Residences in Manufacturing Districts**

The provisions of Section 64-712 (Single- and two-family buildings), shall be modified to allow the vertical elevation or reconstruction of a #non-conforming single-# or #two-family residence# in a #Manufacturing District#. Reconstructions of such #residences# shall utilize the applicable #bulk# regulations of an R4-1 District, as modified by Section 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012) of this Appendix.

## **64-A70**

### **SPECIAL APPROVALS**

The special permit and variance provisions of this Resolution shall apply to properties in the Neighborhood Recovery Areas.

## **64-A71**

### **Special Permit for Establishing Non-conformance**

In all districts, for a #zoning lot# that contained two or more #dwelling units# on October 28, 2012, and does not have a certificate of occupancy, or other lawful documentation, indicating that more than one #dwelling unit# existed on the #zoning lot# on such date, the Board of Standards and Appeals may permit the vertical elevation or reconstruction of up to two #dwelling units# on such #zoning lot# in accordance with this Appendix, and all applicable requirements of the New York City Construction Codes, provided that the Board of Standards and Appeals determines that more than one #dwelling unit# existed on the site on October 28, 2012, based on evidence submitted to the Board of Standards and Appeals, which may include, but shall not be limited to, Department of Finance tax records, utility bills or an affidavit from a licensed architect or engineer that documents an on-site inspection of the #zoning lot# performed under the auspices of a governmental agency.

Such #buildings# which are vertically elevated shall comply with the #bulk# provisions of Section 64-A20 (SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS), and such #buildings# that are reconstructed shall comply with the #bulk# provisions of Section 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).



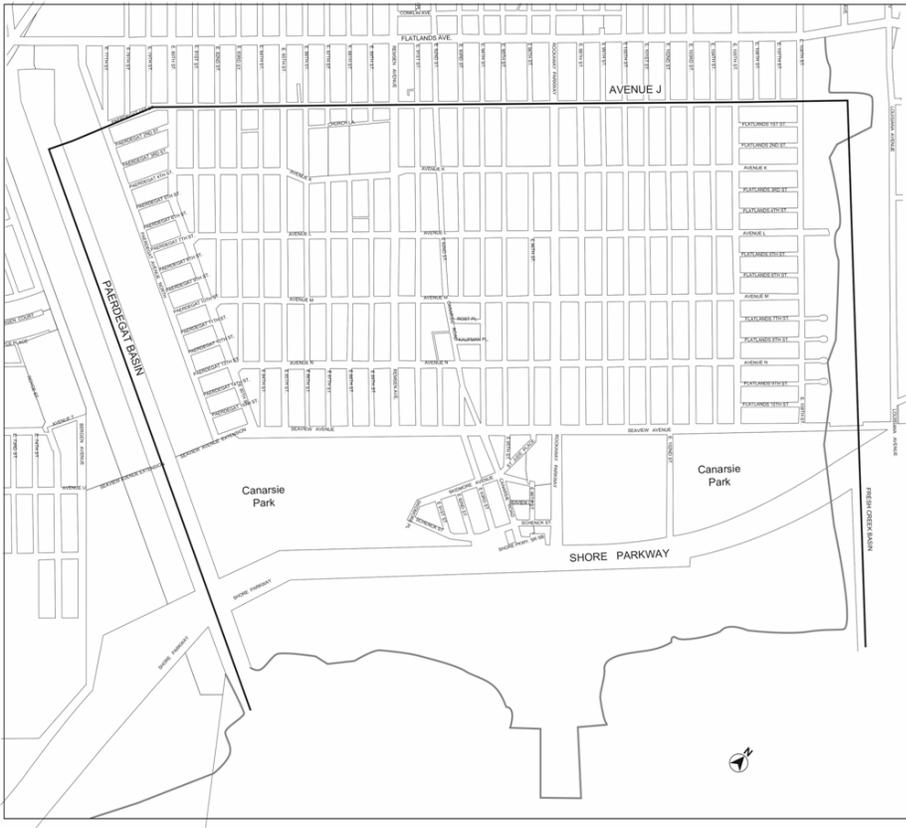
(b) within Community Districts 13 and 15;



List of Neighborhood Recovery Area Blocks within Community Districts 13 and 15:

7220, 7222, 7223, 7224, 7239, 7242, 7243, 7244, 7245, 7260, 7261, 7262, 7263, 7264, 7430, 7431, 7433, 7434, 7435, 7436, 7437, 7438, 7439, 7440, 7441, 7442, 7443, 7444, 7445, 7446, 7447, 7449, 7452, 7454, 7455, 7456, 7457, 7458, 7459, 7460, 7462, 7463, 7464, 7465, 7466, 7467, 7468, 7469, 7470, 7471, 7472, 7473, 7474, 7475, 7476, 7477, 7478, 7479, 7481, 8590, 8661, 8662, 8663, 8664, 8665, 8666, 8667, 8668, 8669, 8670, 8671, 8672, 8673, 8674, 8675, 8676, 8677, 8678, 8679, 8680, 8682, 8683, 8684, 8685, 8686, 8687, 8688, 8689, 8690, 8691, 8692, 8693, 8700, 8701, 8702, 8703, 8704, 8705, 8706, 8707, 8709, 8711, 8712, 8714, 8715, 8716, 8717, 8718, 8720, 8721, 8722, 8723, 8725, 8761, 8762, 8763, 8764, 8765, 8766, 8767, 8768, 8769, 8770, 8771, 8772, 8773, 8774, 8775, 8776, 8777, 8778, 8779, 8780, 8781, 8782, 8783, 8784, 8785, 8786, 8787, 8788, 8789, 8790, 8791, 8792, 8793, 8794, 8795, 8796, 8797, 8798, 8799, 8800, 8801, 8802, 8803, 8804, 8805, 8806, 8807, 8808, 8809, 8810, 8811, 8812, 8813, 8815, 8830, 8833, 8834, 8835, 8837, 8839, 8840, 8841, 8842, 8843, 8844, 8845, 8856, 8866, 8876, 8883, 8885, 8891, 8896, 8900, 8907, 8914, 8923, 8925, 8932, 8939, 8946, 8955

(c) within Community District 18:



List of Neighborhood Recovery Area Blocks within Community District 18:

8012, 8029, 8030, 8031, 8032, 8033, 8034, 8035, 8036, 8037, 8038, 8039, 8040, 8041, 8043, 8044, 8046, 8047, 8048, 8049, 8050, 8051, 8052, 8053, 8054, 8055, 8056, 8057, 8058, 8059, 8060, 8061, 8062, 8063, 8064, 8065, 8066, 8067, 8068, 8069, 8070, 8071, 8072, 8073, 8074, 8075, 8076, 8077, 8078, 8079, 8080, 8081, 8082, 8083, 8084, 8085, 8086, 8088, 8089, 8090, 8217, 8218, 8219, 8220, 8221, 8222, 8224, 8225, 8226, 8227, 8228, 8229, 8230, 8231, 8232, 8233, 8234, 8235, 8236, 8237, 8238, 8239, 8240, 8241, 8242, 8243, 8244, 8245, 8246, 8247, 8248, 8249, 8250, 8251, 8252, 8253, 8255, 8256, 8257, 8258, 8259, 8260, 8261, 8262, 8263, 8264, 8265, 8266, 8267, 8268, 8269, 8270, 8271, 8272, 8273, 8274, 8275, 8277, 8278, 8279, 8280, 8281, 8282, 8283, 8284, 8285, 8286, 8287, 8288, 8289, 8290, 8291, 8293, 8294, 8295, 8296, 8297, 8298, 8299, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8309, 8310, 8312, 8316, 8317, 8318, 8321, 8322, 8323, 8324, 8326, 8327, 8328, 8329, 8330, 8331, 8334

**64-A82**  
**Neighborhood Recovery Areas in Queens**

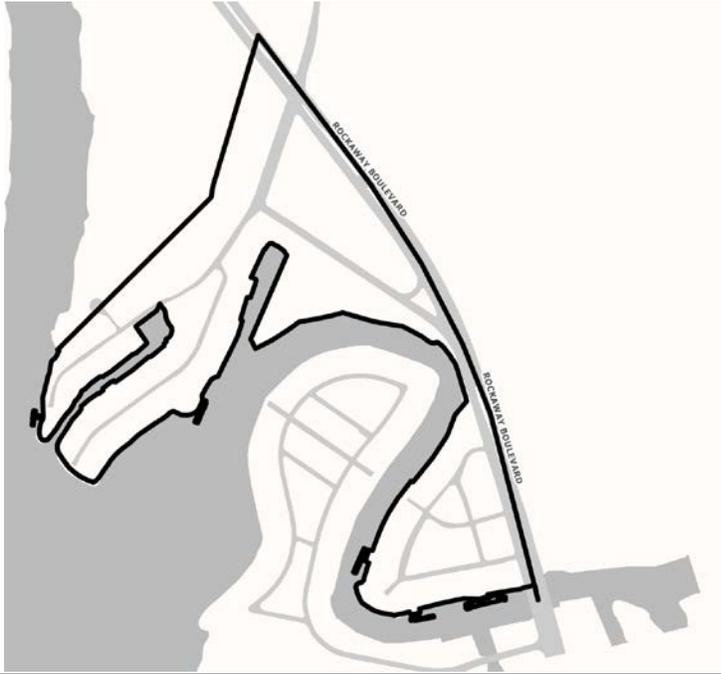
(a) within Community District 10;



List of Neighborhood Recovery Area Blocks within Community District 10;

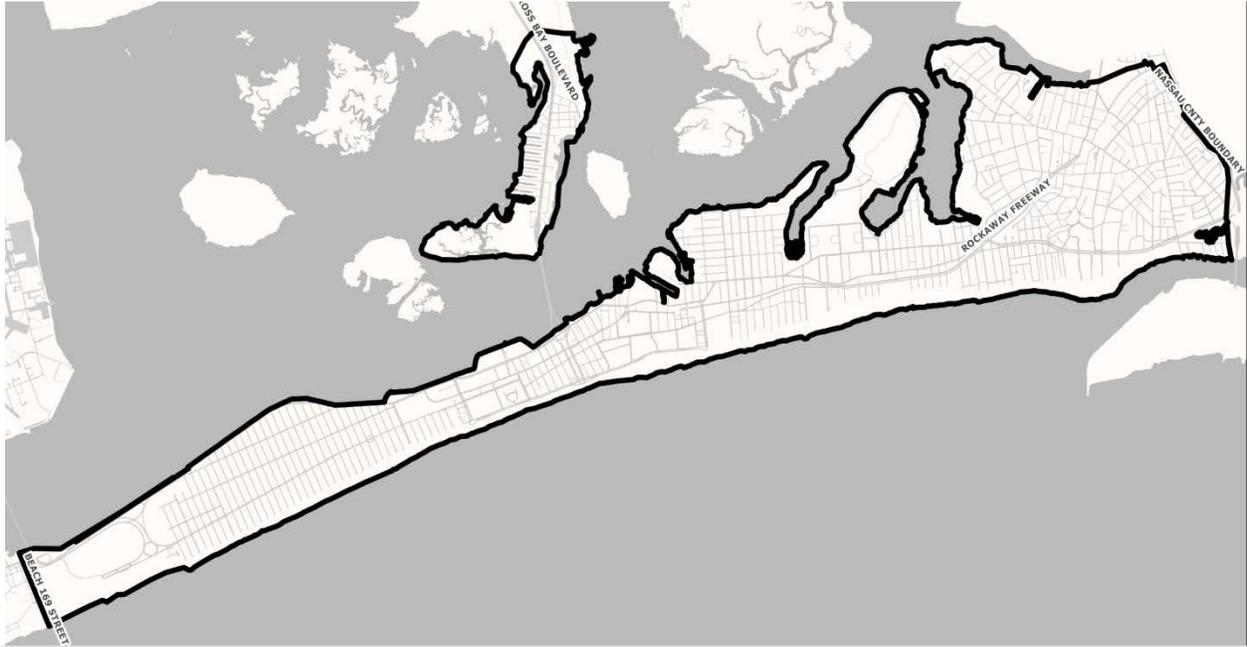
- 11469, 11472, 11572, 11583, 11588, 11589, 11590, 11591, 13947, 13949, 13950, 13951, 13952,
- 13953, 13954, 13955, 13956, 13957, 13959, 13960, 13961, 13962, 13963, 13964, 13965, 13966,
- 13967, 13968, 13969, 13970, 13971, 13972, 13977, 13978, 13979, 13980, 13981, 13982, 13983,
- 13984, 13985, 13986, 13987, 13988, 13989, 13990, 13991, 13999, 14000, 14001, 14002, 14003,
- 14004, 14005, 14006, 14007, 14008, 14009, 14010, 14011, 14012, 14013, 14016, 14017, 14018,
- 14019, 14020, 14021, 14022, 14023, 14024, 14025, 14026, 14027, 14028, 14029, 14030, 14039,
- 14040, 14041, 14042, 14043, 14044, 14045, 14046, 14047, 14048, 14057, 14058, 14059, 14060,
- 14061, 14062, 14063, 14064, 14065, 14066, 14067, 14068, 14069, 14070, 14071, 14072, 14073,
- 14074, 14075, 14076, 14077, 14078, 14079, 14080, 14081, 14082, 14083, 14084, 14085, 14086,
- 14140, 14141, 14142, 14143, 14145, 14147, 14148, 14149, 14150, 14151, 14152, 14154, 14155,
- 14156, 14158, 14159, 14160, 14161, 14162, 14163, 14165, 14166, 14167, 14168, 14169, 14170,
- 14171, 14172, 14173, 14175, 14176, 14177, 14178, 14179, 14180, 14181, 14182, 14183, 14185,
- 14186, 14187, 14188, 14189, 14191, 14192, 14193, 14194, 14195, 14197, 14198, 14199, 14200,
- 14201, 14203, 14204, 14205, 14206, 14207, 14209, 14210, 14211, 14212, 14225, 14228, 14231,
- 14234, 14238, 14239, 14240, 14241, 14242, 14243, 14244, 14245, 14246, 14247, 14248, 14249,
- 14250, 14251, 14252, 14253, 14254, 14255, 14260

(b) within Community District 13;



List of Neighborhood Recovery Area Blocks within Community District 13;  
13895, 13910, 13911, 13912, 13913, 13914, 13921, 14260

(c) within Community District 14;



List of Neighborhood Recovery Area Blocks within Community District 14:

15100, 15300, 15301, 15302, 15303, 15304, 15305, 15306, 15308, 15311, 15312, 15313, 15314, 15315, 15316, 15317, 15318, 15319, 15320, 15321, 15322, 15323, 15324, 15325, 15326, 15327, 15350, 15375, 15376, 15400, 15450, 15451, 15452, 15453, 15454, 15455, 15456, 15457, 15458, 15459, 15460, 15461, 15462, 15463, 15464, 15465, 15466, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15482, 15483, 15484, 15485, 15486, 15500, 15501, 15502, 15503, 15504, 15505, 15506, 15507, 15508, 15509, 15510, 15511, 15512, 15513, 15514, 15515, 15516, 15525, 15526, 15527, 15528, 15529, 15530, 15531, 15532, 15533, 15534, 15535, 15536, 15537, 15541, 15542, 15543, 15544, 15545, 15546, 15547, 15549, 15551, 15552, 15553, 15554, 15555, 15556, 15557, 15559, 15560, 15561, 15562, 15563, 15564, 15566, 15567, 15568, 15569, 15570, 15571, 15572, 15573, 15574, 15575, 15576, 15577, 15578, 15579, 15580, 15581, 15582, 15583, 15584, 15585, 15586, 15587, 15588, 15589, 15590, 15591, 15592, 15593, 15594, 15595, 15596, 15597, 15598, 15599, 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15608, 15609, 15610, 15612, 15613, 15614, 15615, 15616, 15617, 15618, 15619, 15620, 15621, 15622, 15624, 15625, 15626, 15627, 15628, 15629, 15631, 15632, 15633, 15634, 15636, 15637, 15638, 15649, 15650, 15651, 15652, 15653, 15654, 15655, 15656, 15657, 15658, 15659, 15660, 15661, 15662, 15663, 15664, 15665, 15669, 15670, 15675, 15680, 15681, 15682, 15683, 15684, 15685, 15686, 15687, 15688, 15689, 15690, 15691, 15693, 15694, 15695, 15696, 15697, 15698, 15699, 15700, 15701, 15702, 15703, 15704, 15705, 15706, 15707, 15709, 15710, 15711, 15712, 15713, 15714, 15716, 15717, 15718, 15719, 15720, 15721, 15722, 15723, 15724, 15725, 15726, 15728, 15731, 15732, 15733, 15734, 15735, 15736, 15737, 15738, 15739, 15740, 15741, 15742, 15744, 15745, 15747, 15749, 15750, 15751, 15752, 15753, 15754, 15756, 15758, 15759, 15760, 15761, 15762, 15763, 15764, 15765, 15766, 15767, 15768, 15769, 15770, 15771, 15772, 15773, 15774, 15775, 15776, 15780,

15781, 15782, 15783, 15784, 15785, 15786, 15787, 15788, 15789, 15790, 15791, 15793, 15794, 15795, 15796, 15797, 15798, 15799, 15800, 15801, 15802, 15803, 15804, 15805, 15806, 15807, 15808, 15810, 15815, 15817, 15818, 15819, 15820, 15821, 15822, 15823, 15824, 15825, 15826, 15827, 15828, 15829, 15830, 15831, 15833, 15834, 15835, 15836, 15837, 15838, 15839, 15840, 15841, 15842, 15843, 15845, 15847, 15848, 15849, 15850, 15851, 15852, 15853, 15855, 15857, 15859, 15860, 15861, 15862, 15863, 15864, 15865, 15866, 15867, 15868, 15869, 15870, 15871, 15873, 15874, 15875, 15876, 15877, 15878, 15879, 15880, 15881, 15882, 15883, 15884, 15885, 15886, 15887, 15888, 15889, 15890, 15891, 15892, 15894, 15895, 15897, 15898, 15900, 15901, 15902, 15903, 15904, 15905, 15907, 15908, 15909, 15910, 15913, 15915, 15916, 15917, 15918, 15919, 15921, 15922, 15923, 15926, 15931, 15932, 15933, 15934, 15935, 15936, 15937, 15938, 15939, 15940, 15941, 15942, 15944, 15945, 15947, 15948, 15950, 15952, 15953, 15954, 15955, 15960, 15961, 15962, 15963, 15964, 15965, 15966, 15967, 15968, 15969, 15970, 15971, 15972, 15973, 15974, 15976, 15977, 15980, 15990, 16000, 16001, 16002, 16003, 16004, 16005, 16006, 16007, 16008, 16010, 16011, 16013, 16014, 16015, 16017, 16019, 16021, 16022, 16023, 16024, 16025, 16026, 16027, 16028, 16029, 16030, 16031, 16032, 16033, 16034, 16035, 16036, 16037, 16038, 16039, 16040, 16041, 16042, 16043, 16045, 16046, 16047, 16048, 16049, 16050, 16051, 16052, 16053, 16054, 16056, 16057, 16058, 16059, 16061, 16062, 16063, 16064, 16065, 16066, 16067, 16069, 16070, 16075, 16076, 16077, 16078, 16079, 16080, 16081, 16083, 16087, 16088, 16089, 16090, 16091, 16092, 16093, 16096, 16099, 16100, 16103, 16104, 16105, 16106, 16109, 16110, 16111, 16112, 16113, 16114, 16115, 16116, 16117, 16118, 16119, 16120, 16121, 16122, 16123, 16124, 16125, 16126, 16127, 16128, 16129, 16130, 16131, 16133, 16134, 16135, 16136, 16137, 16138, 16139, 16150, 16151, 16152, 16153, 16154, 16155, 16156, 16157, 16158, 16159, 16160, 16161, 16162, 16164, 16166, 16167, 16168, 16169, 16170, 16171, 16172, 16173, 16174, 16175, 16176, 16177, 16178, 16179, 16180, 16181, 16183, 16184, 16185, 16186, 16187, 16188, 16189, 16190, 16191, 16192, 16193, 16194, 16195, 16196, 16197, 16198, 16199, 16200, 16201, 16202, 16203, 16204, 16205, 16206, 16207, 16208, 16209, 16210, 16211, 16212, 16213, 16214, 16215, 16216, 16217, 16218, 16219, 16220, 16221, 16222, 16223, 16224, 16225, 16226, 16227, 16228, 16229, 16230, 16231, 16232, 16233, 16234, 16235, 16236, 16237, 16238, 16239, 16240, 16241, 16242, 16243, 16244, 16245, 16246, 16247, 16248, 16249, 16250, 16251, 16252, 16253, 16254, 16255, 16256, 16257, 16258, 16259, 16260, 16261, 16262, 16263, 16264, 16265, 16266, 16267, 16268, 16269, 16270, 16271, 16272, 16273, 16274, 16275, 16276, 16277, 16278, 16279, 16280, 16281, 16282, 16283, 16284, 16285, 16286, 16287, 16288, 16290, 16292, 16293, 16294, 16295, 16296, 16297, 16298, 16299, 16300, 16301, 16302, 16303, 16304, 16305, 16306, 16307, 16308, 16309, 16310, 16311, 16312, 16313, 16314, 16315, 16316, 16317, 16318, 16319, 16320, 16321, 16322, 16323, 16324, 16325, 16340

**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 are excluded from a Neighborhood Recovery Area.

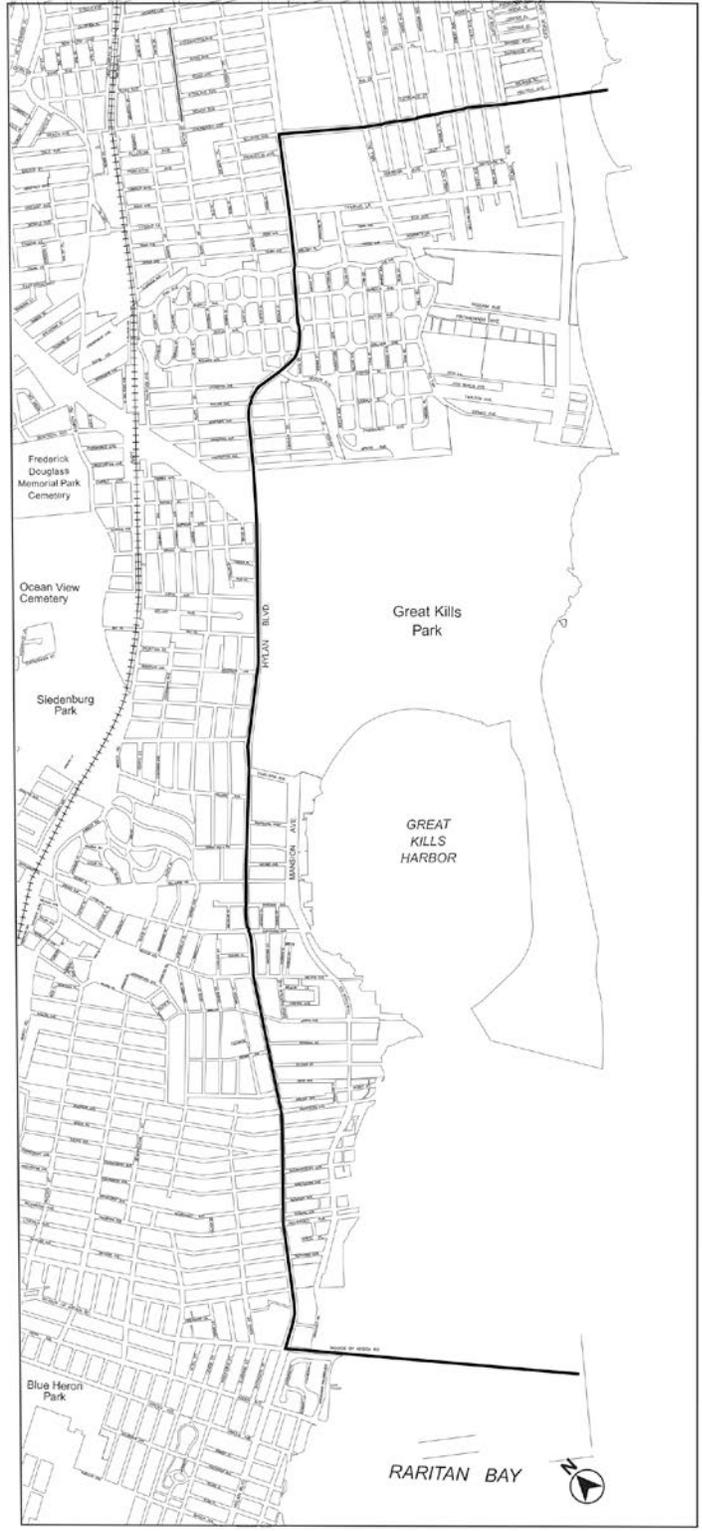
(a) within Community District 2;



List of Neighborhood Recovery Area Blocks within Community District 2:

3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3128, 3220, 3221, 3222, 3223, 3224, 3235, 3236, 3237, 3238, 3239, 3243, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3263, 3264, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3284, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3358, 3359, 3360, 3361, 3362, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3422, 3423, 3427, 3472, 3475, 3478, 3481, 3491, 3500, 3525, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3603, 3604, 3605, 3608, 3609, 3610, 3613, 3614, 3615, 3650, 3651, 3652, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3811, 3812, 3813, 3814, 3815, 3816, 3817, 3818, 3819, 3820, 3821, 3822, 3823, 3824, 3825, 3826, 3829, 3830, 3831, 3832, 3833, 3834, 3835, 3836, 3837, 3838, 3839, 3840, 3842, 3843, 3844, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3856, 3859, 3860, 3861, 3864, 3868, 3871, 3873, 3875, 3879, 3881, 3882, 3883, 3884, 3885, 3886, 3887, 3888, 3889, 3891, 3893, 3930, 4031, 4033, 4035, 4037, 4038, 4039, 4040, 4041, 4043, 4045, 4046, 4047, 4048, 4049, 4050, 4064, 4065, 4066, 4067, 4068, 4069, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4091, 4092, 4093, 4105

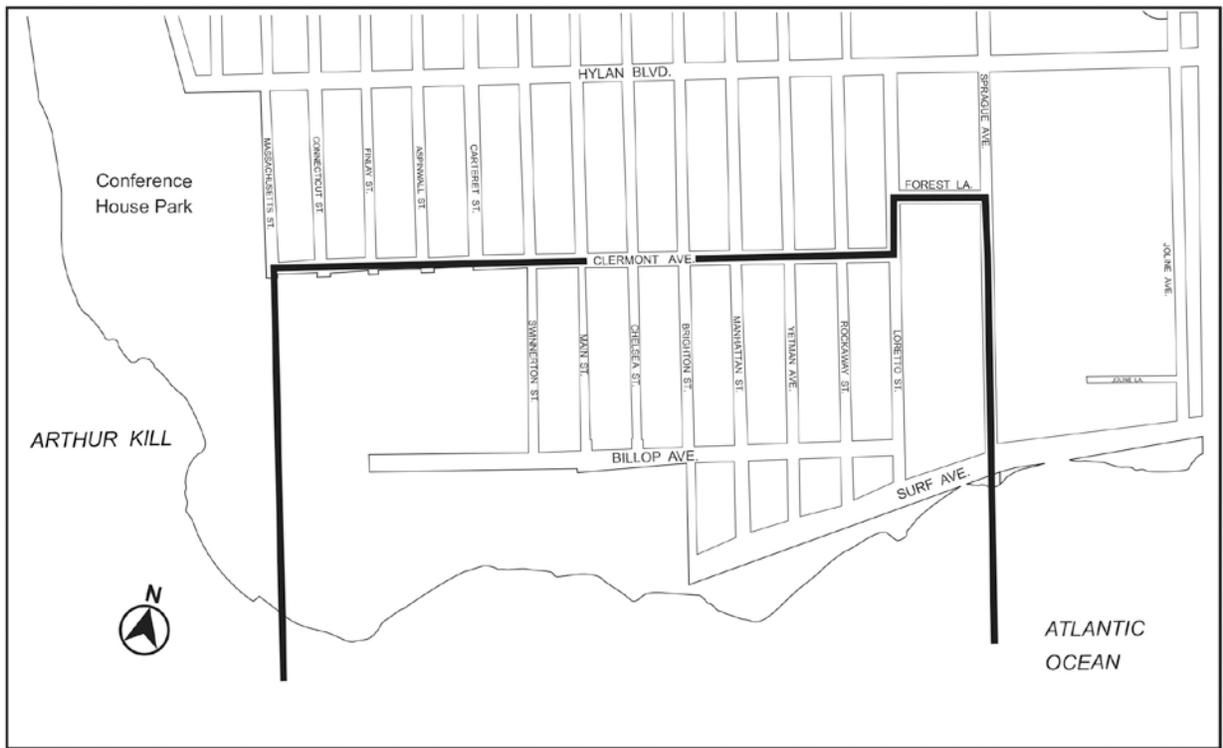
(b) within Community District 3;



List of Neighborhood Recovery Area Blocks within Community District 3:

3983, 4000, 4001, 4002, 4007, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4049, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4063, 4070, 4071, 4073, 4074, 4105, 4108, 4130, 4131, 4160, 4668, 4669, 4672, 4673, 4674, 4675, 4676, 4678, 4679, 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687, 4688, 4689, 4690, 4691, 4692, 4693, 4694, 4695, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4728, 4736, 4737, 4738, 4739, 4740, 4746, 4754, 4758, 4759, 4760, 4761, 4762, 4767, 4768, 4772, 4773, 4774, 4775, 4776, 4781, 4782, 4785, 4787, 4788, 4791, 4792, 4793, 4802, 4803, 4805, 4994, 5067, 5190, 5195, 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5212, 5298, 5299, 5302, 5303, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5316, 5317, 5318, 5319, 5320, 5321, 5322, 5409, 5410, 5411, 5412, 5415, 5418

(c) within Community District 3:



List of Neighborhood Recovery Area Blocks within Community District 3:

7722, 7857, 7858, 7859, 7860, 7861, 7862, 7863, 7880, 7881, 7883, 7884, 7885, 7905, 7906

The above resolution (N 150302 ZRY), duly adopted by the City Planning Commission on June 17, 2015 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough Presidents in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD**, Chair

**KENNETH J. KNUCKLES, Esq.**, Vice Chairman

**RAYANN BESSER**

**IRWIN G. CANTOR, P.E.**

**ALFRED C. CERULLO, III**

**MICHELLE R. DE LA UZ**

**JOSEPH I. DOUEK**

**CHERYL COHEN EFFRON**

**BOME E JUNG**

**ANNA HAYES LEVIN**

**ORLANDO MARIN**

**LARISA ORTIZ**, Commissioners



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**ERIC L. ADAMS**  
President

May 14, 2015

Mr. Carl Weisbrod  
Director  
Department of City Planning  
22 Reade Street  
New York, New York 10007

Dear Mr. Weisbrod:

At its stated meeting on May 5, 2015, the Brooklyn Borough Board ("Borough Board") adopted the enclosed resolution by a vote of 11 yes, 0 no, and 0 abstention, for the Special Regulations for Neighborhood Recovery Zoning Text Amendment.

I applaud the Department of City Planning (DCP) for promptly developing this text amendment, which would remove impediments to the construction and retrofitting of buildings in the revised flood zones where documentation is lacking.

While this undertaking was very thorough, the Borough Board believes that the proposed text amendment should be modified to also be applicable to the Manhattan Beach neighborhood through modification from the City Planning Commission and City Council.

Finally, while the proposal addresses the zoning considerations to rebuild or elevate homes for flood resiliency, the Borough Board believes the Administration and City Council should take steps to sufficiently minimize the financial burden for those property owners for whom the additional cost of mandatory flood insurance or alternative refinancing or secondary mortgage to fund the rebuilding or elevating of their homes would result in commitment of more than 30 percent of their household income to housing costs.

Mr. Carl Weisbrod  
May 14, 2015  
Page - 2 -

If you have any questions, your office may contact Mr. Richard Bearak, my director of Land Use, at (718) 802-4057. Thank you for this opportunity to comment.

Sincerely,



Eric L. Adams  
Brooklyn Borough President

ELA/rb  
enc.

cc: Members of the Brooklyn Borough Board  
Winston Von Engel, Brooklyn Office Director, Department of City Planning  
Ms. Beth Lebowitz, Director, Zoning Division, Department of City Planning



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

## RESOLUTION OF BROOKLYN BOROUGH BOARD

May 5, 2015

**BE IT RESOLVED**, that the **BROOKLYN BOROUGH BOARD** recommends approval of the Department of City Planning Application 150302ZRY – Special Regulations for Neighborhood Recovery Text Amendment, with the condition that:

**Zoning Resolution Section 64-A80, Neighborhood Recovery Area Maps of Appendix A: Special Regulations for Neighborhood Recovery be amended to modify Map 2: Neighborhood Recovery Areas in Brooklyn Community Districts 13 and 15, to include the neighborhood of Manhattan Beach; and**

**BE IT FURTHER RESOLVED** that the Administration and City Council, in order to assist those households for whom the additional cost of mandatory flood insurance or alternative refinancing or secondary mortgages to fund the rebuilding or elevating of their homes would result in commitment of more than 30% of the household income to housing costs, by including for the provision of financial assistance for homeowners to make such improvements through offerings such as low-cost loans, real estate tax abatements or exemptions, or other financial mechanisms.

Approved 11-0-0.  
May 5, 2015.



The City of New York  
**Brooklyn Community Board 15**



**ERIC ADAMS**  
BOROUGH PRESIDENT

**BILL DE BLASIO**  
MAYOR

**THERESA SCAVO**  
CHAIRPERSON

**LAURA SINGER**  
DISTRICT MANAGER

**OFFICERS**

**RONALD TAWIL**  
FIRST VICE-CHAIRPERSON  
**RITA NAPOLITANO**  
SECOND VICE-CHAIRPERSON  
**JACK ERDOS, ESQ**  
TREASURER  
**ALLEN POPPER, ESQ**  
SECRETARY

April 29, 2015

NYC DEPARTMENT OF CITY PLANNING  
22 Reade Street  
New York, NY 10007

Dear City Planning Commission,

**EXECUTIVE  
COMMITTEE**

**DONALD BROWN**  
**RAISA CHERNINA**  
**HON. ANNE M. DIETRICH**  
**EDMOND DWECK**  
**ROBERT GEVERTZMAN**  
**MORRIS HARARY, ESQ**  
**DR. OLIVER KLAPPER**  
**FRANCIS PALLOTTA**  
**HELEN SARUBBI**  
**IRA TEPER**

Community Board 15 recommends approval of  
Application # N150302ZRY Project: Special Regulations for  
Neighborhood Recovery Text Amendment.

We commend the Department of City Planning for their attention  
to the Sandy ravaged coastal communities of Southern Brooklyn.

However, we request the courtesy extended to other coastal  
communities be extended to include Manhattan Beach. We are  
urging the Department of City Planning, The Department of Buildings  
and The Build it Back /New York City Housing Recovery Agency to  
grant the Manhattan Beach residents the same resources and the  
same consideration as the neighborhoods stipulated in the  
amendment.

This Amendment was voted on at General Board Meeting, April 28<sup>th</sup>,  
2015 with a total of 29 present – 28 yes and 1 no.

Sincerely,

Theresa Scavo  
Chairperson



**Community/Borough Board Recommendation**  
Pursuant to the Uniform Land Use Review Procedure

Application #: **N150302ZRY**

Project Name: **Special Regulations for Neighborhood**

CEQR Number:

Borough(s): Brooklyn

Community District Number(s): 15

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

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF : An application submitted by the Dept. of City Planning(DCP), The Mayor's Office of Housing Recovery Operations (HRO), and the Dept. of Housing Preservation and Development (HPD) for a Special Regulations For Neighborhood Recovery Zoning Text Amendment to accelerate post-Hurricane Sandy recovery and enable flood-resilient residential construction in certain waterfront neighborhoods throughout the flood zone in Staten Island, Queens and Brooklyn.**

Community Board #15 recommends approval of ULURP Application #N150302ZRY. Please see attached.

<b>Applicant(s):</b> NYC Dept of City Planning 22 Reade Street New York, NY 10007 212-720-3263	<b>Applicant's Representative:</b>
<b>Recommendation submitted by:</b> Brooklyn Community Board 15	
<b>Date of public hearing:</b> April 20, 2015	<b>Location:</b> KBCC, 2001 Oriental Blvd. Bklyn. NY 11235
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
<b>Date of Vote:</b> April 28, 2015	<b>Location:</b> KBCC, 2001 Oriental Blvd. Bklyn, NY 11235



## Queens Borough President Recommendation

APPLICATION: ULURP #N150302 ZRY

COMMUNITY BOARDS: Q10, Q13 & Q14

### DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Mayor's Office of Housing Recovery Operations (HRO), the Department of Housing Preservation and Development (HPD) and the Department of City Planning (DCP), pursuant to NYC Charter Section 201 to amend the NYC Zoning Resolution to accelerate post-Hurricane Sandy recovery and enable flood resilient residential construction in certain waterfront neighborhoods in flood zone areas in Brooklyn, Queens (Q10, Q13 & Q14) and Staten Island.

### PUBLIC HEARING

A Public Meeting was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, May 7, 2015, at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

### CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public meeting, the following issues and impacts have been identified:

- o The proposed zoning text amendments were drafted in to address issues that have arisen in the affected areas during the course of recovery and rebuilding efforts. The proposed text amendments would be effective only in targeted areas that have experienced a high concentration of damage by Hurricane Sandy, have a high percentage of narrow and shallow lots that were developed prior to 1961 that make elevation or reconstruction challenging, and contain a high percentage of single- and two-family homes that would benefit from the text;
- o These proposals would be limited to residences that existed as of October 28, 2012, are located in the targeted areas, were damaged/destroyed by Hurricane Sandy and elevated or rebuilt as 1- or 2-family homes in compliance with Appendix G of the Building Code;
- o The issues that have arisen in the efforts to repair or reconstruct in the hurricane damaged areas are:
  - grandfathered housing stock predating most regulations built on lots that are narrower and shallower than are required now
  - post 1961 zoning regulations that make many of those buildings and lots non-compliant
  - difficulty in providing documentation/history of non-compliant or non-conforming buildings;
- o To establish proof of the pre-storm conditions an aerial photograph or a residential tax bill indicating use as a home in 2012 would be accepted.;
- o The proposed text amendments are as follows:
  - Side and Rear Yards may be reduced proportionally lot width/depth with a minimum 3' side yard and 10' rear yard
  - Front Yards still required, provision to allow unenclosed parking underneath the home
  - Height/Setback maximum two-stories with 19' perimeter walls and 25' overall maximum height
  - Parking Requirements can be waived on extremely narrow lots if it can be proved parking was not provided pre Hurricane Sandy
  - Density/Minimum Unit Size two-family homes would be allowed that do not meet density and unit size requirements
  - Design Requirements Flood Text design requirements can be modified to accommodate small lots
  - Board of Standards & Appeals Special Permit to allow two-family home if evidence can be submitted to substantiate that such a home existed pre Hurricane Sandy
  - Manufacturing Districts one- and two-family homes in these areas would be allowed to be elevated or reconstructed
- o Following approval of the proposed text amendments, any applicants in these areas would have five (5) years from the date of approval to obtain plan approval and two (2) years after that to complete construction;

Continued.....

Queens Borough President Recommendation  
ULURP # N150302 ZRY  
Page two

- o The proposed Special Regulations for Neighborhood Recovery were drafted in part to issues that had been raised during meetings of the Queens Borough President's Hurricane Relief Task Force. The task force is made up of multiple local, state and federal government agencies, elected officials and civic leaders who meet to discuss relevant recovery and rebuilding issues. The resulting proposed amendment is a testament to Mayor de Blasio's 2014 overhaul of Build it Back, which prioritized effective inter-agency collaboration and increased community engagement in the planning process;
- o Queens Community Board 10 Public Hearing waived - April 27, 2015 - Approved
- o Queens Community Board 13 Public Hearing - April 27, 2015 - Approved
- o Queens Community Board 14 Public Hearing waived - April 30, 2015 - Approved
- o There was a presentation of the proposed zoning text amendments to the Queens Borough Board on May 11, 2015. The Community Board 13 Chairperson stated that residents of Rosedale had requested inclusion in the affected areas subject to the zoning text amendments. The Department of City Planning representative stated that the department will work with Rosedale residents to address that request. The Chairpersons of Community Boards 10, 13 & 14 stated their support for the proposed amendments. Additionally, the three Councilmembers present also stated their support for the proposed zoning text amendments.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of the Special Regulations for Neighborhood Recovery

  
\_\_\_\_\_  
PRESIDENT, BOROUGH OF QUEENS

5/13/15  
\_\_\_\_\_  
DATE



ELIZABETH BRATON  
Chairperson

## COMMUNITY BOARD 10

CITY OF NEW YORK ♦ BOROUGH OF QUEENS  
115-01 LEFFERTS BOULEVARD  
SOUTH OZONE PARK, N.Y. 11420  
TEL: (718) 843-4488  
FAX: (718) 738-1184  
E-MAIL: [cb10qns@nyc.rr.com](mailto:cb10qns@nyc.rr.com)



KARYN PETERSEN  
District Manager

April 27, 2015

Calendar Information Office  
City Planning Commission, Room 2E  
22 Reade Street  
New York, NY 10007

Re: **N 150302 ZRY**  
**Special Regulations for Neighborhood Recovery**

Community Board 10 is pleased to support the zoning text amendment application "Special Regulations for Neighborhood Recovery (N 150302 ZRY) that is currently under consideration. The amendment will simplify the process for Sandy-damaged homes in Howard Beach and Hamilton Beach that are unable to document noncompliances. Families in Community Board 10 who have been out of their homes for over two years will greatly benefit from this change. In the full board meeting on April 2<sup>nd</sup>, we voted to waive the public hearing because we support moving this amendment through the approval process as quickly as possible. We plan to vote in favor of this amendment at the Borough President's hearing, and we urge the City Planning Commission and City Council to vote in favor as well.

Elizabeth Braton

Chairperson, Community Board 10



COMMUNITY  
BOARD #14

April 29, 2015

COMMUNITY BOARD #14  
City of New York  
Borough of Queens

DOLORES ORR  
Chairperson

JONATHAN GASKA  
District Manager

Yvette Gruel  
Calendar Information Office  
22 Reade Street-Room 2E  
New York, New York 10007-1216

Dear Ms. Gruel,

Community Board 14 supports the proposed text amendment (ULURP#N150302ZRY) Special Regulations for Neighborhood Recovery. The Board has chosen not to hold a Public Hearing on the matter to expedite the Public Review process.

Please feel free to contact me if you wish to discuss this matter further.

Sincerely,



Jonathan Gaska  
District Manager

JG/dls

Cc:  
Hon. Eric Ulrich  
Hon. Donovan Richards  
J. Young, Director Queens DCP

1931 Mott Avenue, Room 311  
Far Rockaway, NY 11691  
Tel.: (718) 471-7300  
Fax: (718) 868-2657  
[cb14@nyc.gov](mailto:cb14@nyc.gov)





