



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

May 10, 2019

**PUBLIC NOTICE OF A SCOPING MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
(CEQR No. 19DCP192Y)**

Notice is hereby given that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) AND 6 NYCRR 617.8 (State Environmental Quality Review) that the New York City Department of City Planning, acting on behalf of the City Planning Commission as CEQR lead agency, has determined that a draft environmental impact statement is to be prepared for the proposed actions related to the proposed Zoning for Coastal Flood Resiliency, CEQR Number 19DCP192Y. The SEQRA classification for this proposal is Type I.

A public scoping meeting has been scheduled for Thursday, June 13, 2019 and will be held at the New York City Department of City Planning, City Planning Commission Hearing Room, 120 Broadway, Concourse Level, New York, New York, 10271. The meeting will begin at 3:30 PM. Written comments will be accepted by the lead agency through Thursday, June 27, 2019.

The New York City Department of City Planning (DCP), the Applicant, is proposing a zoning text amendment (the "Proposed Action") to the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4, "Special Regulations Applying in Flood Hazard Areas,") of the New York City Zoning Resolution (ZR), to update and make permanent the provisions in the "Flood Resilience Zoning Text", adopted in 2013, and "Special Regulations for Neighborhood Recovery," adopted in 2015. These temporary measures were adopted on an emergency basis after Hurricane Sandy hit New York City in 2012 to advance the reconstruction of storm-damaged properties, and enable new and existing buildings to comply with flood-resistant construction standards set forth in Appendix G of the New York City Building Code. The Proposed Action affects New York City's 1% and 0.2% annual chance floodplains, and select provisions would be applicable citywide. The Proposed Action provides homeowners, business owners, and practitioners working in the City's floodplains the option to design or otherwise retrofit buildings to reduce damage from future flood events, become flood resilient in the long-term, and save on long-term flood insurance costs, and would improve the ability of the City's many flood-prone neighborhoods to withstand and recover quickly from future storms.

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The Proposed Action includes a Zoning Text Amendment that would update the Special Regulations Applying in Flood Hazard Areas (Article XI Chapter 4) of the New York City Zoning Resolution (ZR). The Proposed Action would mostly affect the city's 1% annual chance floodplain and 0.2% annual chance floodplain, in addition to selected provisions that will be applicable citywide, affecting all five Boroughs and the City's 59 Community Districts.

Current regulations applicable to buildings in the floodplain have, at times, posed conflicts with certain other zoning regulations, as they change the way most buildings in NYC are structurally designed and internally configured. Following Hurricane Sandy in October 2012, due to the urgency of removing these regulatory barriers to allow the city to rebuild, the Mayor signed an Executive Order No. 230, which suspended height and other restrictions to the extent necessary to allow buildings to be rebuilt to the latest flood-resistant construction standards. The Executive Order was by its nature an interim measure which needed to be codified by a zoning text amendment. This action was subsequently replaced by the 2013 Flood Text, which was adopted by the City Council on October 9, 2013.

The 2013 Flood Text amended zoning regulations in the ZR to remove obstacles to creating flood-resilient buildings by, for example, allowing height to be measured from the Design Flood Elevation (DFE) to allow buildings to meet flood-resistant construction standards. The Design Flood Elevation is the minimum elevation to which a structure must be elevated or floodproofed. The 2015 Recovery Text simplified the process for old buildings to document non-compliances with the Zoning Resolution, and established new rules that allow damaged homes located within narrow and small lots to be reconstructed. Both zoning changes were adopted on a temporary, emergency basis and are set to expire in the next few years. The 2013 Flood Text expires within one year of the adoption of new Flood Insurance Rate Maps (FIRMs), which is in the process of being revised by the Federal Emergency Management Agency (FEMA) in the near future. The 2015 Recovery Text is set to expire in 2020.

The Proposed Action would modify and improve upon existing provisions that the prior Flood Text amendments created, and once adopted, the updated regulations would be permanently amended to the ZR. The Proposed Action includes modifications to the applicable geography based on the updated floodplain, changes to building envelope and design, location of permitted uses within buildings, and placement of permitted obstruction regulations. The Proposed Action also includes provisions to modify existing special permits that are granted by the Board of Standards and Appeals (BSA) to facilitate resiliency investments in unique conditions, in addition to the creation of a new BSA special permit that would provide a wider range of use alternatives for the ground-floors of residential buildings. The Proposed Action would also include a provision for a future discretionary special permit that is authorized by the City Planning Commission (CPC) to facilitate future recovery efforts. To address concerns regarding vulnerable uses in the floodplain, the Proposed Action may also limit nursing homes in a subject area.

In addition to the Proposed Action, DCP proposes neighborhood-specific zoning text and map changes in four neighborhoods (New Dorp Beach in Staten Island, Old Howard Beach in Queens and Gerritsen Beach and Sheepshead Bay in Brooklyn), intended to address resiliency challenges that are specific to the conditions in these areas. These applications are currently in the Pre-Certification process. These related actions will reach public review concurrently with the Proposed Action and their effects will be analyzed as part of separate environmental reviews.

The Proposed Action is not expected to cause a significant change in the overall amount, type, or location of development. This proposal is also not expected to induce development where it would not have occurred absent the Proposed Action. The analysis year for the Proposed Action is 2029.

Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, New York 10271, Olga Abinader, Director (212) 720-3493;

The Draft Scope of Work and scoping protocol will also be made available for download at <https://www1.nyc.gov/site/planning/applicants/scoping-documents.page>.

Public comments are requested with respect to issues to be addressed in the draft environmental impact statement.