



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: Resilient Neighborhoods: Gerritsen Beach and Sheepshead Bay (210130 ZMK, 210131 ZRK & 210132 ZRK)

Applications by the New York City Department of City Planning (DCP) for zoning map and text amendments to ensure flood resiliency of future development in the Gerritsen Beach and Sheepshead Bay neighborhoods of Brooklyn Community District 15 (CD 15). Such actions would change the zoning on approximately 20 blocks from R4, C3, and C1-2/C2-2 commercial overlays to R4-1, C3A, and C2-3 commercial overlays, and establish a new Special Coastal Risk District (SCRD) in Gerritsen Beach, and amend New York City Zoning Resolution (ZR) sections of the Special Sheepshead Bay District (SSBD).

BROOKLYN COMMUNITY DISTRICT NO. 15

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Ethi L. Adams

January 21, 2021

BROOKLYN BOROUGH PRESIDENT

DATE

RECOMMENDATION FOR: Resilient Neighborhoods: Gerritsen Beach and Sheepshead Bay (210130 ZMK, 210131 ZRK & 210132 ZRK)

The New York City Department of City Planning (DCP) submitted applications for zoning map and text amendments to ensure flood resiliency of future development in the Gerritsen Beach and Sheepshead Bay neighborhoods of Brooklyn Community District 15 (CD 15). Such actions would change the zoning on approximately 20 blocks from R4, C3, and C1-2/C2-2 commercial overlays to R4-1, C3A, and C2-3 commercial overlays, and establish a new Special Coastal Risk District (SCRD) in Gerritsen Beach, and amend New York City Zoning Resolution (ZR) sections of the Special Sheepshead Bay District (SSBD).

On November 30, 2020, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were no speakers on the item.

In response to Borough President Adams' inquiry as to whether the City would consider providing real estate tax incentives to offset additional costs for property owners who may have to take out construction loans on top of existing mortgages in order to comply with flood resiliency guidelines, the DCP representative clarified that the proposed changes would not introduce any requirements beyond Appendix G (Flood-Resistant Construction) of the New York City Building Code. Rather, these amendments would provide zoning relief for homeowners to make resiliency improvements over time. As for financial incentives, the City has been advocating for direct assistance to homeowners at the State and Federal level.

In response to Borough President Adams' inquiry as to what assistance the City would provide owners whose properties would require major alterations to meet the new rules, the DCP representative referenced the New York City Department of Housing Preservation and Development (HPD) HomeFix program, which offers low- and no-interest loans for certain repairs, and FloodHelpNY, a non-profit initiative that provides free and low-cost technical services to homeowners.

Consideration

Brooklyn Community Board 15 (CB 15) voted to approve these applications on November 17, 2020.

The Gerritsen Beach and Sheepshead Bay proposals entered public review parallel to Zoning for Coastal Flood Resiliency (ZCFR), a citywide text amendment that would create permanent rules for resilient building design and retrofits.

On January 5, 2021, the Brooklyn Borough Board held a hearing on ZCFR and approved the proposal. Its resolution called on the Administration and City Council to assist homeowners who would spend more than 30 percent of their income to finance the costs of mandatory flood insurance and the reconstruction/elevation of their homes with monetary incentives such as low-cost loans, real estate tax abatements/exemptions, and other financial mechanisms, to households earning up to 250 percent of Area Median Income (AMI).

The proposed Gerritsen Beach actions would affect approximately 2,050 tax lots within a rezoning area bounded by Allen Avenue, Gerritsen Avenue, and Marine Park to the north, and Plumb Beach Channel and Shell Bank Creek to the south. According to a DCP analysis, approximately 77 percent of these lots are developed with residential uses, mostly single-family, detached homes. Another 16 percent represents vacant land often utilized for parking, storage, or water access. The remaining properties host a variety of non-residential uses, which comprise less than eight percent of the lots. Much of the residential area is zoned R4, with C1-2 and C2-2 overlays mapped on some blocks of Gerritsen Avenue. The northern portion of the Plumb Beach Channel waterfront is zoned C3, a district

that allows residential construction pursuant to R3-2 regulations, which permit attached and multi-family buildings on lots of at least 1,700 square feet.

In 2012, Gerritsen Beach was among the communities most affected by Superstorm Sandy. The following year, DCP launched its Resilient Neighborhoods initiative to strengthen neighborhoods in the city's floodplain via place-based strategies, including zoning changes. The study found that existing land use patterns in Gerritsen Beach do not reflect current and future inundation risk. Many blocks contain small, shallow lots of 24 x 66 feet or 40 x 45 feet, with limited street widths. Though Gerritsen Beach was once a summer community, year-round occupancy and habitation below the design flood elevation (DFE) have become the norm. Much of the neighborhood's vulnerability to flooding results from its limited drainage infrastructure, which is not designed to handle storm surges. To protect Gerritsen Beach from such events, DCP seeks to limit growth potential in the area, by reducing the permitted residential density.

The proposed map amendments would create a new zoning envelope by changing the existing R4 district to R4-1, thus reducing the side yard requirement. Additionally, the C3 district along the waterfront would be rezoned to C3A, with some blocks converted to R4-1 to reflect existing character. The C3A equivalent R3A district would permit one and two-family detached homes on lots with a minimum area of 2,375 square feet, a reduction in density from R3-2. Finally, commercial overlays on Gerritsen Avenue would be updated to C2-3 and reduced to half-block depth, fronting only that corridor. The new overlay would allow additional use groups, including home maintenance and repair services, which would support building upgrades after flood events.

Such actions would restrict the scale and character of future development, while expanding the range of commercial uses in Gerritsen Beach. The proposed text amendment would create an SCRDR, which would further modify what is permitted under the new zoning to improve the neighborhood's overall resiliency. The SCRDR stipulations would prohibit new attached or multi-family residences in the R4-1 district. Only single-family detached buildings would be permitted on lots less than 3,000 square feet, though two-family homes would be allowed on larger lots. Building heights would be limited to 25 feet above the ground-floor, which would be wet-proofed to flood-resistant construction standards. Together, these zoning map and text changes would ensure that future construction in Gerritsen Beach is not only resilient, but appropriate for its small lots and narrow streets.

The separate Sheepshead Bay application would update the SSBD regulations to encourage an active and flood-resilient public realm. The changes would strengthen requirements for aspects of plaza design, including access, seating, and signage. The new rules would also disallow below-grade plazas and consolidate or eliminate certain public space bonuses.

Borough President Adams believes it is necessary to optimize the ZR to ensure that both existing and future homes in Gerritsen Beach achieve optimal flood mitigation via measures such as wet proofing. Moreover, he recognizes that resilient construction and renovation is an effective way to lower flood insurance payments. Borough President Adams believes that the proposed SSBD modifications would also promote best practices and help drive economic development in sustainable businesses. Therefore, the City Planning Commission (CPC) and/or City Council should approve these applications.

While Borough President Adams supports the proposed changes and concurs with the Brooklyn Borough Board's position on ZCFR, he is concerned that compliance with the new regulations would present a hardship for homeowners of limited means, including the many who are located on properties added to the flood risk zone, as they would be burdened by the cost of affording flood insurance payments to adequately protect their assets. He therefore seeks robust financial assistance to mitigate the additional costs of flood-resistant construction and renovation.

Financial Assistance for Homeowners in Flood Zones

Federal law stipulates that lenders of government-backed mortgages must require homeowners to purchase flood insurance for properties located in Special Flood Hazard Areas (SFHAs). The Federal government provides coverage through the National Flood Insurance Program (NFIP), administered by the Federal Emergency Management Agency (FEMA). It is anticipated that Congressional changes to the NFIP and updates to Flood Insurance Rate Maps (FIRMs) will lead to increased premiums for many policyholders. These costs will also be driven by sea level rise, which will produce higher flood levels in the coming decades.

DCP estimates that homes with living space four feet below the DFE will incur annual flood insurance costs of \$9,000. Raising such space to or above the DFE would sharply reduce premiums to \$1,450, or even less, depending on the degree of flood elevation. As an incremental step, property owners could lower their payments by elevating mechanical equipment above flood levels, which requires few structural changes, and therefore tends to be highly cost-effective. One of DCP's primary goals with ZCFR is to facilitate flood resiliency improvements by streamlining zoning rules that limit the location of infrastructure and uses on various levels.

Borough President Adams believes that retrofitting homes in areas prone to inundation is an important strategy for neighborhood resiliency and an important investment to lower flood insurance premiums. However, he is aware that a significant number of households in the New York City floodplain pay 30 percent or more of their annual income toward property taxes, homeowners' insurance, and flood insurance. As a result of these obligations, many lack discretionary income to defray the added costs of retrofitting their homes and would have to refinance their mortgages or take out loans to implement flood-proofing best practices. The most effective measure, home elevation, can be prohibitively expensive up front, even with long-term flood insurance savings. When confronted with such options, property owners beset by high premiums may choose to seek other forms of relief rather than undertake costly renovation projects.

Borough President Adams believes that it is in the City's interest to support homeowners who wish to make their properties more resilient. Monetary incentives would encourage such improvements in flood-prone areas across the five boroughs and ensure that ZCFR achieves its intended goal of neighborhood resiliency. In older communities such as those ranging from Canarsie to Red Hook and including Brighton, Gerritsen, and Plumb beaches; Coney Island and Sheepshead Bay, and other southern Brooklyn communities, many buildings predate flood-resistant building codes, and homeowners earn moderate to middle incomes. Without some form of financial relief, the added cost of flood-resistant renovation could result in overleveraging and foreclosure of such properties.

Therefore, to assist homeowners who would spend more than 30 percent of their income to finance the costs of mandatory flood insurance and the reconstruction/elevation of their homes (via alternative refinancing or secondary mortgages), the Administration and the City Council should provide low-cost loans, real estate tax abatements/exemptions, and other financial mechanisms to households earning up to 250 percent AMI.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the CPC and City Council approve these applications.

Be it further resolved:

That the Administration and City Council, to assist homeowners who would spend more than 30 percent of their income to finance the costs of mandatory flood insurance and the reconstruction/elevation of their homes (via alternative refinancing or secondary mortgages), provide monetary incentives for such improvements via low-cost loans, real estate tax abatements/exemptions, and other financial mechanisms, to households earning up to 250 percent of Area Median Income (AMI).