

Staten Island Special Districts Update

Draft Scope of Work for an Environmental Impact Statement



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Prepared by:



One Penn Plaza, 2nd Floor
250 West 34th Street
New York, NY 10119
212-465-5000

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Appendix A Land Use Actions

A. Introduction

The New York City Department of City Planning (DCP) is proposing zoning text and zoning map amendments (the Proposed Actions) to the Special Natural Area District (SNAD) and Special Hillside Preservation District (SHPD), and a zoning text amendment to the Special South Richmond Development District (SSRDD) to provide a clear and consistent framework for natural resource preservation that balances development and ecological goals within these special districts. The Proposed Actions also include targeted zoning text changes to cross access requirements to further the original purposes of streamlining review processes and making the regulations easier to apply.

The Proposed Actions include zoning text and related zoning map changes that would affect SNAD (Article X, Chapter 5) and SHPD (Article XI, Chapter 9) of the Zoning Resolution (ZR). The Proposed Actions include a zoning text amendment that would affect SSRDD (Article X, Chapter 7). The Proposed Actions would affect Staten Island's SHPD in Community District 1; Staten Island's SNAD (NA-1 and NA-3) in Community Districts 1 and 2; and Staten Island's SSRDD in Community District 3. The proposed zoning text amendment would modify requirements for cross access between non-residential parking lots, which applies in C4-1, C8, M1, M2, and M3 districts in Staten Island. The proposed zoning text amendment would also clarify a Lower Density Growth Management Area (LDGMA) zoning regulation to allow ground floor residential uses along secondary and tertiary streets in Staten Island's C1, C2, and C4 commercial districts. SNAD in the Bronx (NA-2) and Queens (NA-4) would not be affected by the proposed changes.

The special districts that are the subject of the Proposed Actions were established in the 1970s and 1980s to balance development with environmental protections in areas with significant natural features, such as aquatic, botanic, biologic, geologic, and topographic features, having ecological and conservation values. Collectively, these regulations introduced valuable resource protection and oversight mechanisms, resulting in beautiful green neighborhoods. However, current regulations lack a broader approach to the ecological context, focusing on the preservation of natural features on a site-by-site basis. Without considering the relationship of the natural features on a site to the wider ecological context, current regulations lack clear and consistent parameters to guide City Planning Commission (CPC) review when a property owner requests permission to remove or modify natural features, resulting in unpredictable and inconsistent outcomes. Additionally, a one-size fits all approach for properties of all sizes, land uses, and types of natural feature subject to CPC review imposes burdensome costs and time delays for homeowners seeking to make modest changes to their properties, while allowing some larger developments in sensitive areas to move forward without any public oversight.

Moreover, the City's understanding of the natural environment has evolved, revealing a better understanding of how rare larger habitats are within the City. These larger habitats have a high level of biodiversity with more species of plants and animals and form an integral part of the larger ecosystem. Technology has also improved in the last 40 years allowing these areas to be mapped more accurately. Some of these natural resources exist on private properties and are the most important assets to protect, preserve, and enhance.

The Proposed Actions seek to update and refine existing regulations in the special districts to codify best practices learned over 40 years and to create a more homeowner-friendly environment with robust as-of-right rules with clearer outcomes for development on small lots (less than an acre). Such as-of-right regulations would protect significant natural features and ensure cohesion within neighborhoods with distinct character. They would also allow small properties (less than an acre) to proceed directly to the Department of Buildings (DOB) for approval by showing compliance with the proposed regulations without requiring CPC review.

The Proposed Actions would require special CPC review for development on large properties (1 -acre or more), as well as developments with new private roads. Additionally, developments in areas of steep slope along the Serpentine Ridge that include four or more new lots/buildings, or eight dwelling units, would also require CPC review. All these developments have a greater potential of affecting the surrounding ecology, neighborhood character, and public realm.

Because the current regulations require many small properties to go through CPC review, the proposed framework would result in a reduction of over *66 percent* in the number of applications requiring CPC review; this number is based on data analysis of applications submitted to the CPC in the three special districts from 2012 to 2017.

The Proposed Actions would set clear parameters for large and sensitive sites such that CPC review would result in predictable outcomes for preservation and development. Additionally, for sites with existing habitat, portions of habitat may be required to be preserved in perpetuity by the CPC to maintain ecological connectivity and neighborhood character. Sites that are 1 acre or larger with habitat would be pre-identified and would conduct an ecological assessment (i.e., a survey) of habitat during the application process at the CPC. There would be an option to cluster buildings on these sites to preserve natural habitat on a portion of the site while maintaining roughly the same development potential for the entire site.

The proposal would also remove CPC review for Bluebelt properties managed by NYC Department of Environmental Protection (NYC DEP) and NYC Department of Parks and Recreation (NYC Parks) properties; this review is required in the existing SNAD and SSRDD. Due to NYC Parks and NYC DEP goals of preserving natural resources as well as their own public review process and the Public Design Commission (PDC) public review process for any publicly owned property, CPC review is redundant and unnecessary.

To achieve these objectives, the proposal would combine two of the existing special districts on Staten Island that share similar objectives today (Hillsides and Natural Areas) into one special district called the Special Hillsides and Natural Areas District (SHNAD) to create consistent natural resource preservation rules for properties containing steep slopes, and to protect and enhance the most ecologically sensitive resources along the Serpentine Ridge. In addition, the proposal would amend specific regulations of the existing SSRDD to achieve the aforementioned objectives and update cross access regulations on Staten Island to streamline review processes.

The Proposed Actions, as described in detail below, are not expected to cause a significant change in the overall amount, type, or location of development. On large sites (1 acre or more) with existing habitat, where a portion of the site may be required to be preserved pursuant to CPC discretionary review, the development under proposed regulations may be slightly reduced

in some cases to balance the goals of habitat preservation on these limited number of sites. This proposal is not expected to induce development where it would not have occurred absent the Proposed Actions. However, the land use actions (certifications, authorizations, and special permits) necessary to facilitate development on a site may be changed or eliminated by the proposed regulations. Updates to cross access regulations are mostly clarifications of rules and changes to the review process and would not affect the type or amount of development.

The proposal is a coordinated effort developed over the course of several years with input from residents, elected officials, community boards, and other community stakeholders, along with City and other public agencies. Implementation of the proposed zoning text and map amendment would require review and approval of the discretionary action pursuant to the City's Uniform Land Use Review Procedure (ULURP). DCP is acting as lead agency on behalf of the CPC and is conducting a coordinated environmental review under the City Environmental Quality Review (CEQR) process. This Reasonable Worst-Case Development Scenario (RWCDs) establishes the framework for the environmental review of the Staten Island Special Districts Update proposal.

B. Required Approvals and Review Procedures

The CPC, as lead agency in the environmental review, determined that the Proposed Actions have the potential to result in significant environmental impacts. Therefore, pursuant to CEQR procedures, the CPC issued a positive declaration requiring preparation of an Environmental Impact Statement (EIS) in conformance with all applicable laws and regulations, including the State Environmental Quality Review Act (SEQRA), the City's Executive Order No. 91, and CEQR regulations (August 24, 1977), as well as the relevant guidelines of the 2014 *CEQR Technical Manual*. This *Draft Scope of Work* was prepared in accordance with those laws and regulations and the *CEQR Technical Manual*.

In accordance with CEQR, this *Draft Scope of Work* is being distributed for public review.

A public scoping meeting has been scheduled for Thursday, January 28, 2021, and will be held in two sessions with the first session starting at 4:00 pm and the second starting at 6:00 pm. In support of the City's efforts to contain the spread of COVID-19, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit the NYC Engage site, <https://www.nyc.gov/engage> or dial the following number.

Dial-in information:

888-788-0099 (Toll Free)

877-853-5247 (Toll Free)

253-215-8782

213-338-8477

Meeting ID: 939 4180 7008

Passcode: 1

[The Participant ID can be skipped by pressing #]

If you would like to register to testify via phone, need assistance with technical issues, or have any questions about participation you may call any of the phone numbers listed above. Then enter the following meeting ID and password when prompted.

Meeting ID: 618 237 7396

Password: 1

[The Participant ID can be skipped by pressing #]

Instructions on how to participate, as well as materials relating to the meeting, will be posted on the NYC Engage site on the day of the scoping meeting, no later than 1 hour prior to the scoping meeting. To help the meeting host effectively manage members of the public who sign up to comment, those who do not intend to actively participate are invited to watch the livestream or the recording that will be posted after the meeting. The meeting livestream can be found in the above referenced NYC Engage site and will be made available on the day of the scoping meeting.

Written comments will be accepted by the lead agency through Monday, March 1, 2021.

A *Final Scope of Work* will then be prepared, taking into consideration comments received during the public comment period, to direct the content and preparation of the EIS. As the next step in the process, once the lead agency has determined that the EIS is complete, it will be subject to additional public review, including a public hearing and a period for public comment in accordance with CEQR and ULURP. A Final EIS (FEIS) will then be prepared to respond to and, as warranted, incorporate those comments. The lead agency will make CEQR findings based on the FEIS before deciding on the Proposed Actions.

C. Background

In November 1964, the opening of Verrazano-Narrows Bridge provided the first direct connection between Staten Island and the rest of New York City via roadway. In the early 1970s, environmental conservation was at the forefront of local and national political debate; the protection of air and water were codified in the Clean Air Act and the Clean Water Act. The protection of natural resources was broadly established through the National Environmental Policy Act, which created the environmental assessment framework. This increased development pressure in largely undeveloped areas that were recently connected via the Verrazano Bridge. The national environmental regulations were the main impetus for creating the Special Districts to guide development that is balanced with natural resource preservation.

In July 1974, DCP published *Preservation of Natural Features and Scenic Views in New York City*,¹ which analyzed strategies that were used to protect substantial natural resources in other areas of the country and local needs and opportunities for natural resource preservation. In accordance with these national trends, New York City began to adopt the principle that its significant natural features could be protected using zoning regulations. New York City's first SNAD was formed in December 1974 to balance the level of development with preserving natural features.

Staten Island's rapid growth (33 percent population increase in the 1960s and 19 percent in the 1970s), an increase spurred by connecting Staten Island to a large market of first-time homebuyers, created a need for an appropriate response through land use planning for the central and southern portions of the island. This was captured in a 1975 report titled '*Towns in South Richmond*' prepared by DCP and resulted in the establishment of SSRDD in 1975.

SHPD was established over a decade later, in 1987, to guide development in the sensitive slopes of the Serpentine Ridge in the northeastern portion of the island. This was based on DCP's 1983 report titled '*Staten Island: The North Shore Study*.'

Existing Special Districts

The three existing special districts in Staten Island, as shown in Figure 1, are described in further detail in the following section. Cross access regulations pertinent to the Proposed Actions are also described later in the section.

¹ New York (N.Y.). Department of City Planning, Haines, L. & Waehler., Clarke & Rapuano. (1974). *Preservation of natural features and scenic views in New York City*. [New York, N.Y.: New York Department of City Planning.

Community Boards | Neighborhoods | Year Established

Special Hillside Preservation District (SHPD) | 1987

- | | |
|-----------------|-----------------|
| ■ Silver Lake | ■ West Brighton |
| ■ Grymes Hill | ■ Ward Hill |
| ■ Tompkinsville | ■ Randall Manor |
| ■ New Brighton | ■ St. George |

Special Natural Area District (SNAD) | 1974

- | | |
|----------------|-------------------|
| ■ Todt Hill | ■ Lighthouse Hill |
| ■ Emerson Hill | ■ Shore Acres |

Special South Richmond Development District (SSRDD) | 1975

- | | |
|-------------------|-------------------|
| ■ Tottenville | ■ Annadale |
| ■ Charleston | ■ Eltingville |
| ■ Rossville | ■ Arden Heights |
| ■ Sandy Ground | ■ Great Kills |
| ■ Woodrow | ■ Prince's Bay |
| ■ Bay Terrace | ■ Richmond Valley |
| ■ Pleasant Plains | |

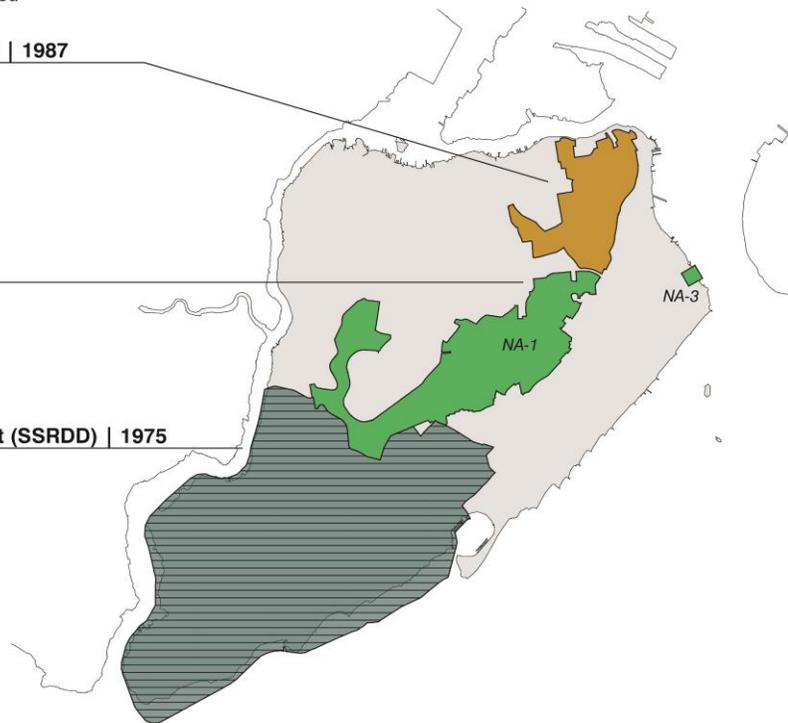


Figure 1: Existing Special Districts Map

Special Natural Area District

SNAD was established in 1974 as the first special purpose zoning district to protect natural features such as aquatic, biologic, botanic, geologic, and topographic features. The district is mapped in neighborhoods with significant natural features, such as steep slopes, rock outcroppings, forests, wetlands, ponds, and stream corridors. The district includes over 3,900 acres comprising the neighborhoods of Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill, and an area now known as the Greenbelt of Staten Island (Community District 2). In 1977, SNAD was expanded to include Shore Acres in Staten Island (Community District 1) adding 50 acres.

SNAD is mapped primarily in low-density residential zoning districts characterized by detached single- and two-family homes and community facilities on large parcels such as hospitals, senior care, educational and religious institutions, parkland and open space, and small amounts of local commercial use. In Staten Island, over 90 percent of lots in NA-1 contain one or two-family homes and over 4 percent are used by institutions.

SNAD regulations guide development on private properties to preserve natural features, including trees, topography, topsoil, rock outcrops, erratic boulders, natural ground-level vegetation and aquatic features by requiring CPC review of developments, enlargements, or site alterations. Permission by the CPC is generally required to allow a minimum amount of disturbance of these natural features. Concurrently, applicants may request certain modifications in use, yard, height, and setback regulations of underlying districts by special permit of the CPC to help minimize disturbance of natural features.

Special South Richmond Development District

SSRDD was established in 1975 as an overall development plan for 12,000 acres of largely undeveloped land in the southern portion of Staten Island. The purpose of the district was to coordinate development and services, protect and maintain natural features such as trees and topography, avoid destruction of irreplaceable natural and recreational resources, and ensure that new development was compatible with existing communities. The district encompasses a majority of Community District 3, which includes the neighborhoods of Annadale, Arden Heights, Bay Terrace, Charleston, Eltingville, Great Kills, Greenridge, Huguenot, New Dorp, Oakwood, Pleasant Plains, Prince's Bay, Richmond Valley, Richmond Town, Rossville, Tottenville, and Woodrow. It is bounded by the waters of Arthur Kill to the west and Raritan Bay to the southeast. In SSRDD, 91 percent of lots contain one- or two-family homes, less than 1 percent are multifamily or mixed residential and commercial uses, commercial and manufacturing uses comprise approximately 1.5 percent, and approximately 4 percent of lots have institutional or other uses.

SSRDD established designated open space (DOS) on South Richmond's streams, ponds, freshwater wetlands, shorelines, and woods that would be left in a natural state as part of an open space network that also included public parks and waterfront esplanades. The district identified certain streets as "arterial streets" for enabling through traffic and some others as "park streets" to prioritize pedestrian and cyclist traffic between portions of an open space network by creating regulations pertaining to access restrictions, building setbacks, and landscaping on lots abutting such streets. SSRDD rules applied to developments and site alterations, with rules establishing tree preservation and planting requirements, a limit on topographic modifications, special building height limits, increased lot width, and side yard regulations. The district also established requirements for adequate public facilities, including street access, sewers and sewage disposal facilities, and public school seats, to serve any proposed development. Since the establishment of the special district, many DOS parcels have been acquired by NYC Parks and NYC DEP to help form Staten Island's 103-acre network of City parks and its Bluebelt system.

Special Hillside Preservation District

SHPD was established in 1987 for the northeast section of Staten Island to protect a 1,900-acre area surrounding the Serpentine Ridge, a geologic feature formed by glacial shifts over 400 million years ago. The ridge provides unique scenic views of the surrounding area and is an important feature of the landscape when viewed from surrounding neighborhoods. The district encompasses the neighborhoods of Ward Hill, Grymes Hill, Stapleton Heights, Fort Hill Circle, Sunset Hill, Pavillion Hill, West Brighton, and Silver Lake. Clove Lake, Silver Lane, and Sailor's Snug Harbor Cultural Center and Botanical Garden are also included within the district boundaries. In SHPD, 80 percent of lots contain one- or two-family homes, 6.5 percent are multifamily, 3 percent are mixed residential and commercial uses, less than 1 percent comprise lots with only commercial uses, and approximately 9.5 percent of lots have institutional or other uses.

SHPD was established to preserve the aesthetic value of hillsides, protect steep slopes, and reduce hillside erosion, landslides, and excessive stormwater runoff by preserving the area's

hilly terrain, trees, and vegetation. To achieve this, the district is regulated through specific controls on lot coverage, tree removal, and construction of driveways and private roads in areas with significant slope. Development on steep slopes is subject to discretionary review by the CPC, while parcels with less steep slopes are not required to go through such oversight.

Ecology

Ecology is a branch of science that deals with the interrelationships of organisms and their surroundings. Habitat is the natural environment in which an organism normally lives. When the special districts were established in the 1970s and 1980s, the importance of preserving existing natural features was a general principle, but habitat size and connections between habitats had not yet been thoroughly explored. Today, a well-established body of research and practice has shown that larger habitats are much more valuable as they can sustain large variety of species (and therefore rarer species) and larger populations of those species, which allows them to be more resilient. In addition, smaller patches of habitat can serve as steppingstones between natural areas (Figure 2). Furthermore, intact natural habitats of any size perform valuable ecosystem services, including stormwater absorption, flood mitigation, air and water filtration, and temperature regulation (e.g., reducing urban heat island effect).

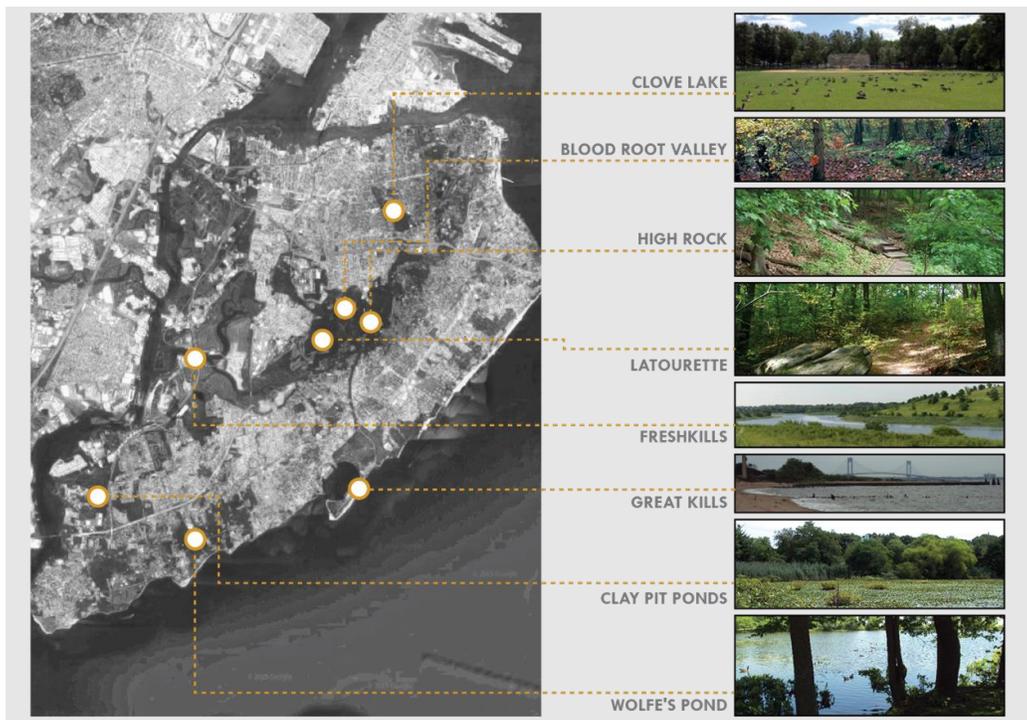


Figure 2: Major Natural Assets in Staten Island

Lower Density Growth Management Area

Lower Density Growth Management Area (LDGMA) regulations were established in 2004 as a response to Staten Island's development boom in the 1990s identified by the Staten Island Growth Management Task Force. Between 1990 and 2000, Staten Island's population grew by approximately 65,000, and the number of housing units increased by approximately 24,000. By 2000, Staten Island's population had increased to 443,000, a 200 percent increase from its 1960 population. LDGMA regulations were created to maintain and enhance the neighborhood character by reducing the density of residential development and ensuring better quality design by modifying underlying zoning provisions for yards, open space, parking, private road developments, lot area, and lot width for residential development and for certain community facility uses. In a 2016 zoning text amendment, LGDMA regulations in C1, C2, C4, were updated to require ground floor uses along a primary street frontage to be limited to non-residential uses; this change allowed residential uses to locate along primarily residential secondary or tertiary streets in Staten Island.

LDGMA encompasses most of Staten Island, except for portions of the north and west shore, which are predominantly zoned for manufacturing use or higher density multifamily residential developments (see Figure 3: Lower Density Growth Management Areas Affected Areas Map

Many LDGMA-affected areas overlap with the three Staten Island special districts, except for areas on the West Shore of SSRDD.



Figure 3: Lower Density Growth Management Areas Affected Areas Map

Cross Access Connections

To help alleviate traffic congestion on thoroughfares, requirements for vehicular cross access connections between non-residential parking lots were established for Staten Island in 2008. Cross access connections are required between open accessory parking lots on adjacent properties with commercial or community facility uses so that vehicles driving from one site to another may avoid using public streets, thus allowing smooth traffic flow on thoroughfares.

Cross access rules apply to developments, enlargements, or an increase in parking lot capacity, any of which involve 36 or more parking spaces, in C4, C8, and M districts (Figure 4).



Figure 4: Cross Access Connections Affected Areas that include C4-1, C8, and Commercial Uses in M Districts

D. Purpose and Need

The purpose of the Proposed Actions is to codify best practices, streamline regulations to reflect the principles of updated ecological science, and create clear development standards that would result in better and more predictable outcomes. The purpose of updating cross access regulations is to streamline regulations and make them easier to apply.

Since their establishment, the special districts' regulations have helped to guide thousands of developments and have resulted in the tree-lined streets, preserved rock outcrops, old growth trees, wetlands, and forested parks that today exemplify these communities.

The current framework of requiring discretionary review irrespective of the size of a property or the extent of natural features imposes burdensome cost and time delays for small property owners and results in unpredictable outcomes both in terms of development and preservation of natural features. More than 80 percent of these areas comprise one- or two-family homes and form the overwhelming majority (approximately 71 percent) of the past applications that have come for CPC approval. To address this challenge, the proposal would codify best practices in zoning to create clearly defined parameters that would allow applicants to proceed directly to DOB for building permits and to confirm zoning regulation compliance, thus easing the process for homeowners by eliminating CPC review, where appropriate.

Second, the existing regulatory framework has presented challenges over the last 50 years. The current rules focus on protecting individual natural features such as steep slopes, trees, and rock outcrops and do not consider the importance of ecological connectivity with neighboring sites. There are no clear guidelines for determining the presence of important natural features on larger sites that are connected to the broader ecosystem. Under the Proposed Actions, the

CPC review process would have clearer parameters to identify habitat that would result in better site plans with more predictable outcomes for the applicant and the community.

Third, under the current rules, multiple discretionary review actions are sometimes required to be able to create a good site plan that balances development with the preservation of natural features on a property. But property owners are often reluctant to apply for optional land use actions that could result in a better project because these actions could trigger additional delays and costs, focusing instead on those land use actions that are essential to moving the project forward, resulting in missed opportunities for good site planning.

To address these issues, the CPC review process would be more integrated, so that optional land use actions would not result in significantly increased costs or delays. To advance this effort and ensure input from community stakeholders, DCP has met with local community boards and convened a working group of local civic organizations, architects, landscape architects, environmental groups, elected officials, institutions, and City agencies since April 2015. The working group established the following principles, which have been used to guide the proposal:

- Create a homeowner-friendly regulatory environment with robust as-of-right rules for the development of homes on small lots that protect significant natural features.
- Protect and enhance the natural resources and neighborhood character of the districts, with greater predictability of development outcomes.
- Strengthen and clarify regulations so that CPC review focuses on sites that have a greater impact on natural resources and the public realm.

Based on the above principles and to apply the framework, the Proposed Actions would:

- Combine the existing Hillside and Natural Areas special districts into one special district, the Special Hillside and Natural Areas District (SHNAD); establish an Escarpment Area to create consistent rules to prioritize the protection of topographic and geologic resources along the Serpentine Ridge; allow most small sites, less than 1 acre, an as-of-right framework by codifying CPC best practices; and allow the CPC to establish habitat preservation areas on large sites by CPC discretionary review.
- Amend the existing SSRDD regulations to allow most small sites, less than 1 acre, an as-of-right framework by codifying CPC best practices; and allow the CPC to establish habitat preservation areas on large sites by CPC discretionary review.

The Proposed Actions would determine the appropriate review process based on the size of properties.

Properties less than 1 acre:

In the proposed SHNAD:

With clear rules that would address building footprint, encroachment within steep slope, permeability, and tree planting, most small property owners with sites less than 1 acre would go

directly to DOB for project review and permits, skipping the current requirements for CPC review.

In some special cases, CPC review would still be required for sites less than 1 acre, including:

- development with new private roads or that seek to extend existing private roads;
- the creation of four or more new zoning lots or buildings, or eight or more dwelling units in areas that are within the Escarpment areas (along the Serpentine Ridge); and
- development on a constrained site with unique topography would have the option to seek CPC review to modify regulations and achieve a feasible development scenario that meets the goals of the special district.

In the SSRDD:

With streamlined regulations for small sites, most small property owners on sites less than 1 acre would go directly to DOB for project review and permits, skipping the current requirements for CPC review.

In some special cases, CPC review would still be required for sites less than 1 acre, including:

- development with new private roads or that seek to extend existing private roads.

In addition, development on a constrained site with unique natural features may have the option to seek CPC review to modify the regulations to achieve a feasible development scenario that meets the goals of the special district.

Properties of 1 acre or more:

For larger sites, 1 acre or more, in the proposed SHNAD and SSRDD, the proposed rules would require individual site plan review by the CPC because large sites contribute more to the public realm and neighborhood character and have a greater impact to existing natural habitat.

For sites with existing habitats, portions of habitat may be required to be preserved in perpetuity through CPC discretionary review. The presence of existing habitat would be determined based on a site assessment conducted by an environmental professional. The surrounding natural ecosystem and public realm relies on maintaining larger natural features found on properties 1 acre or more.

The Proposed Actions maintain the primary intent of each special district as guiding development in areas of outstanding natural beauty to protect, maintain, and enhance the natural features.

E. Reasonable Worst Case Development Scenario

To assess the possible effects of the Proposed Actions, a RWCDs was developed for the Future Without the Proposed Actions (No Action scenario), and the Future With the Proposed Actions (With Action scenario) for a 10-year period. The incremental difference between the No

Action and With Action scenarios is the basis for assessing the potential environmental impacts of the Proposed Actions.

To determine the No Action and With Action scenarios, standard methodologies have been used pursuant to the *CEQR Technical Manual*. These methodologies have been used to identify the amount and location of future development, as discussed below.

Existing Zoning

This section describes the existing regulations that would be affected by the Proposed Actions. This section is organized to describe the geography of the special districts and subdistricts, followed with an overview of how proposed subdivisions, construction or other site work is reviewed by the DOB and CPC. Next is a description of the various regulations pertaining to the protection of natural features; various use, bulk, and parking regulations; and any associated discretionary actions to modify these existing provisions. The last section describes the certifications, authorizations, and special permits available in the existing zoning in the special districts. Cross access regulations that are affected by the proposal are described at the end of this section.

Geography

The special districts are located in the Borough of Staten Island as illustrated in Figure 1. The special districts contain approximately 53,000 lots in Staten Island that would be affected by the updates to the special district rules as described below. Since there would be no changes to the special districts in the Bronx or Queens, it is not further described in this document.

The cross-access regulations that would be affected by the Proposed Actions are applicable within the Borough of Staten Island in zoning districts M1, M2, M3, C4-1, and C8 as illustrated in Figure 4: . The applicable geographic areas extend beyond the boundaries of the special districts and LDGMA in Staten Island; the area affected by the cross-access regulations is comprised of approximately 3,544 lots.

These numbers of affected lots reflect some double counting because the geographies described above overlap, and the special district rules and cross-access rules can sometimes apply to the same lot.

Staten Island

SNAD is mapped in two areas within Staten Island: Special Natural Area-1 (Emerson Hill, Dongan Hills, Todt Hill, and Lighthouse Hill) in Community District 2 and Special Natural Area-3 (Shore Acres) in Community District 1. SHPD is located in the area of the Serpentine Ridge in Community District 1, including the neighborhoods of Ward Hill, Grymes Hill, Stapleton Heights, Fort Hill Circle, Sunset Hill, Pavillion Hill, West Brighton, and Silver Lake. The Proposed Actions would affect 8,761 lots in SNAD and SHPD.

SSRDD includes nearly all of Community District 3, from Tottenville to Arden Heights. There are six sub-districts within the special district: Large Lot (LL) area, Senior Housing (SH) area, Area D, Area F, Area K, and Area M. The Proposed Actions would affect 44,611 lots in SSRDD.

Review Structure

The current CPC review structure for the special districts includes certifications, authorizations, and special permits. When no CPC approvals are required for a proposed development, it is considered to be “as-of-right”: the proposed development can apply directly to DOB for a building permit, which will be granted if the proposal complies with all zoning requirements as well as all other applicable codes and regulations. The certifications granted by either the CPC Chair, or the CPC as a whole, are considered ministerial, meaning that the proposal must be approved or denied based on the facts and on whether or not it meets the conditions of the certification. In contrast to these, the authorizations and special permits granted by the CPC are discretionary in nature, as the Commission must weigh and balance various factors to arrive at a decision on each of the findings of an authorization or special permit. These discretionary actions may permit encroachment into an area containing natural features, or may modify specified zoning rules relating to use, bulk, or parking regulations. These discretionary actions include a public review process that allows the public to be informed about a proposed project and provide opportunities for public comment on the proposed project, which the CPC considers when making its decision.

In general, most development in SNAD (80 percent) and a third in SHPD (34 percent) require a discretionary action and review by the CPC; most development in SSRDD (90 percent) occurs as-of-right (including certifications), based on data from 2012 to 2017. The three special districts protect certain natural features but provide ways to waive or modify those protections and permit disturbance of those natural features by authorization granted by the CPC. Additional authorizations and special permits are available if an applicant seeks a modification of certain zoning regulations, such as yard regulations.

SNAD – SNAD is the most restrictive of the three special districts, generally requiring at least a certification from the CPC that the proposed development meets the standards of the special district and that it does not require an authorization or special permit from the CPC. SNAD categorizes lots into Tier I and Tier II sites, with authorizations required on Tier I sites (average slope less than 10 percent), with site alteration beyond the construction zone, on Tier II sites (average slope more than 10 percent) with any site alteration, and for removing protected trees or altering steep slope areas on either type of site. Authorizations from the CPC are required for disturbance of a variety of protected natural features on a lot or to modify bulk regulations. A special permit may be sought to modify permitted residential building types, for instance, to allow an attached residence in an R2 district, where normally only detached homes are permitted, in order to facilitate clustering development and preserve natural features elsewhere on the site. A certification is also required for sites that propose to subdivide and/or reapportion existing zoning lots into proposed zoning lots with a different size and/or boundary.

SHPD – Similar to SNAD, SHPD divides lots into Tier I and Tier II sites, with authorizations required on Tier I sites (with average slope less than 10 percent) with site alteration beyond the construction zone, on Tier II sites (average slope more than 10 percent) with any alteration, and for removing protected trees or altering steep slope areas on either type of site. Tier II sites are more steeply sloped and are subject to additional requirements and therefore may apply for an authorization to modify planting requirements for ground cover vegetation, as well as modifications of lot coverage, height, yards, driveways, private roads, and grading regulations.

Similar to SNAD, a special permit may be sought for Tier II sites to modify permitted residential building types, for instance, to allow an attached residence in an R2 district, where normally only detached homes are permitted, in order to facilitate clustering development and preserve natural features elsewhere on the site. In addition, any community facility in a residence district, and any parking facility with 30 or more parking spaces regardless of district, are required to seek an authorization from the CPC. A certification is also required for sites that propose to subdivide and/or reapportion existing zoning lots into proposed zoning lots with a different size and/or boundary.

SSRDD – SSRDD allows most development to occur as-of-right or with a certification. For residential development, a certification is required to demonstrate that there are enough school seats available as a result of proposed residential development. A certification is also required for sites that propose to subdivide and/or reapportion existing zoning lots into proposed zoning lots with a different size and/or boundary. There are three certifications required for any development located on a lot that has DOS in SSRDD. First, development within a lot containing DOS triggers the need for a certification that the DOS will be preserved in its natural state or developed for active recreational uses. A second certification establishes whether or not a public pedestrian way would be required on the site. A third certification relates to establishing a waterfront esplanade, where applicable, on the property.

Sites that propose tree removal or modification of topography by more than two feet require an authorization from the CPC. Generally, tree removal within building footprints or required parking area, or topography changes within 8 feet of a building, are permitted without requiring CPC authorization.

An authorization is required for more than 30 non-residential parking spaces. Authorizations may also be sought for modification of distance between buildings, yard, courts, parking, to permit affordable independent residences for seniors (AIRS) in Subarea SH, to permit residential uses in Subarea M, and to permit bulk calculations to include DOS or lands containing significant natural features donated to the City.

A number of special permits may be sought from the CPC in specific instances. These include allowing the DOS to count as lot area for bulk computations when it exceeds the non-DOS area on the lot, permitting buildings or other structures higher than the four-story or 50-foot height limit, permitting community facility buildings or treatment plants within DOS, and permitting building encroachment into DOS.

Based on data from 2006 to 2017, approximately 9 percent of all new building applications (NB permits) and major alteration permits (Alt-1 permits) required an authorization or special permit in SSRDD. Further detailed information on zoning regulations associated with certification and discretionary actions is described toward the end of the *Existing Zoning* section.

Protection of Natural Features

Natural features that are protected by all three special districts include trees, aquatic features, and natural topography, including steep slopes. Other natural features that are protected by regulation in some of the special districts include vegetation other than trees, erratic boulders, and rock outcrops. In each of these special districts, natural features are protected individually,

without regard to whether or not they are isolated or part of a contiguous ecological area. Current special district rules allow the modification of natural features while providing little guidance on the relative value of one type of natural feature versus another, how to prioritize protection, and how much encroachment to permit.

SNAD – In this district, natural features protected by zoning regulations include geological features such as rock outcrops and geological deposits, topographical features such as steep slopes, existing natural topography and topsoil, aquatic resources, and botanic environments. With just a few exceptions, all these features cannot be removed or disturbed except through CPC authorization. Natural features must be preserved to the greatest extent possible when seeking a certification for future subdivision in SNAD.

SHPD – In this district, the natural features that are protected by zoning regulations include steep slopes, topsoil, trees, and other natural vegetation. In general, trees and steep slopes cannot be removed or disturbed except through CPC authorization, and on Tier II sites, an authorization is also required to remove or disturb topography or vegetation other than trees. Natural features must be preserved to the greatest extent possible when seeking a certification for future subdivision in SHPD.

SSRDD – In this district, the natural features that are protected by zoning regulations include existing natural topography, aquatic resources, trees, and open space. Open space is protected through pre-mapped DOS which includes public properties such as NYC DEP Bluebelts and NYC Parks' parkland, as well as DOS on private property to ensure protection of wetlands and open space. With certain exceptions, natural topography and trees are protected and disturbance requires CPC authorization. Natural features must be preserved to the greatest extent possible when seeking a certification for future subdivision in SSRDD.

Tree Regulations

Tree Removal – the three special districts often protect natural features such as trees by prohibiting the removal or disturbance of the natural feature within a certain distance of the proposed development. However, property owners can apply for an authorization from the CPC to remove or disturb these natural features in any way, and the standards for approving or denying these authorizations are not well defined.

All three special districts have very similar tree protection regulations. In all three special districts, trees are protected when they reach six-inch caliper (defined as the diameter of a tree trunk measured four feet, six inches from the ground). Trees can only be removed as-of-right within the proposed building footprint, or within 15 feet of the proposed building footprint for properties within SNAD and SHPD; in SSRDD, the same is true within 8 feet of the proposed building footprint as well as within proposed driveways, private roads, and required accessory parking spaces. Trees can also be removed as-of-right if the continued presence of a tree would create dangers to persons or property or would interfere with the growth or health of another tree of six-inch caliper or more.

SNAD and *SHPD* – the CPC may grant an authorization for tree removal or modifications to planting requirements in SNAD or SHPD, pursuant to ZR Section 105-425 in SNAD or pursuant to ZR Section 119-313 in SHPD. The findings require the proposed development, enlargement

or site alteration to demonstrate that it is designed to make the least modification necessary, allows for the survival of newly planted trees or other plant material, and that it is aligned with the purposes of the special district.

SSRDD – the CPC may grant an authorization for tree removal in *SSRDD*, pursuant to ZR Section 107-64 (Removal of Trees). The findings require the proposed development to demonstrate that the preservation of the tree is infeasible due to potential impairment of open areas on site, or due to proposed topographic modifications, or due to the provision of a waterfront esplanade.

Tree Planting Requirements – The current tree planting requirements in all three special districts come into effect when there is new construction or site work on a property, and requirements are based on a tree credit calculation. Tree credit is the value given to every tree based on the tree caliper inches. The current zoning assigns one credit for the first six inches of caliper and one credit for every additional four inches of caliper.

SNAD and SHPD – The requirement is one tree credit per 1,000 square feet of lot area or a total of 51 percent of tree credits originally on site, whichever is greater. Newly planted trees must be a minimum of three inches of caliper.

SSRDD – The requirement is one tree credit per 1,000 square feet of lot area. Newly planted trees must be a minimum of three inches of caliper.

Tree Planting Requirements in Open Parking Areas

SNAD and SHPD – Underlying rules per ZR Section 37-90 requiring trees and landscaping in parking lots for non-residential land uses apply.

SSRDD – One tree, pre-existing or newly planted, shall be provided for each four parking spaces in the perimeter landscaped area of the parking area or in planting islands within the parking area. Where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. In addition, underlying rules per ZR Section 37-90 requiring trees and landscaping in parking lots for non-residential land uses also apply.

Critical Root Zone

SNAD and SHPD - The critical root zone is defined as an area around the tree containing the roots that should be maintained and protected. In the existing rules, it is measured as one radial foot for every caliper inch and ranges from a minimum of four feet to a maximum of 22 feet.

The critical root zones of all preserved trees are protected within an “Area of No Disturbance” and must remain undisturbed except as provided for in a tree protection plan and letter from a certified arborist.

SSRDD – Critical root zone is not defined in *SSRDD*.

Vegetation and Planting Regulations

SNAD and SHPD – In *SNAD* and on Tier II sites in *SHPD*, no vegetation may be removed except within the proposed building footprint, driveways, private roads, and required accessory

parking spaces, or within 15 feet of the proposed building footprint. Authorization by the CPC may be granted, pursuant to ZR Section 105-425 in SNAD and ZR Section 119-313 in SHPD, to seek removal outside of those areas. Ground cover, shrubs, small trees, and large trees are required to be planted to replace any vegetation that is removed, or any topsoil disturbed, each on a basis proportionate to the size of the area disturbed.

SSRDD – Existing special landscaping rules pursuant to ZR Section 107-48 require planting of evergreen shrubs between a new commercial or manufacturing building and an adjacent lot in a residence district, or an adjacent residence regardless of district. The rules also require a lower screening hedge of shrubs around the sides and rear of parking areas, and a seven-foot-wide landscaped area between the parking area and the street.

Topographic and Geologic Resources

Slopes and topography are regulated in the three special districts by prohibiting the disturbance of the natural feature within a certain distance of the proposed development in SNAD and SHPD, or beyond a threshold defined in the regulations for *SSRDD*. However, property owners can apply for an authorization from the CPC to disturb these natural features, and the standards for approving or denying these authorizations are not well defined.

SNAD and SHPD – For Tier II sites, no grading is permitted beyond 15 feet of the building footprint, except for grading to construct private roads and driveways. The grading requirements for Tier II sites limit how steep the final slope can be after cut and fill to a ratio no steeper than 2 horizontal to 1 vertical, along with other technical specifications.

The CPC may grant an authorization for modifications to topographic features in SNAD pursuant to ZR Section 105-421 (Modification of topographic features on Tier I sites) and ZR Section 105-422 (Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer). The CPC may grant an authorization for modifications to topographic features in SHPD pursuant to ZR Section 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer) and ZR Section 119-316 (Modification of grading controls). The findings require the proposed development, enlargement or site alteration to demonstrate the least modification to existing topography, that the modified topography will not impair character and topography of surrounding area, and that the modified topography will result in minimal impact to drainage patterns and soil conditions.

Erosion control is regulated by zoning in SNAD and for Tier II sites in SHPD that require an authorization, requiring one of a variety of sediment control measures to be used.

In SNAD, rock outcrops cannot be altered without an authorization from the CPC. The CPC may grant an authorization for modifications to rock outcrops if it is the minimum modification necessary, pursuant to ZR Section 105-424 (Alteration of rock outcrops).

In SNAD, no erratic boulder with a diameter of six feet or more may be removed from its location without authorization from the CPC. The CPC may grant an authorization for relocation of erratic boulders if the boulder is located in an area to be occupied by buildings, driveways, parking areas, or recreation areas, or its current location would create hazards or dangers, pursuant to ZR Section 105-423 (Relocation of erratic boulders).

SSRDD – On sites in this district, topography cannot be modified more than two feet without authorization from the CPC, with the exception of work done to construct building foundations, driveways, or utilities, or in order to bring the portion of a lot abutting a street to meet the grade of the street.

The CPC may grant an authorization for modifications to topographic features if the proposal results in minimal disturbance of the existing drainage pattern and soil conditions, and the modified topography will not impair the character and topography of the surrounding area, pursuant to ZR Section 107-65 (Modifications of existing topography).

Aquatic Resources

Aquatic resources are regulated inconsistently among the three special districts as described further below. Property owners can apply for a CPC authorization to modify these natural features, and the standards for approving or denying these authorizations are not well defined. The New York State Department of Environmental Conservation's (NYSDEC) 100-foot regulated adjacent area lacks any specific development regulations and are generally guided by NYSDEC best practices on a site by site basis. Applications to the CPC for development or site alteration in the special districts may require areas of no disturbance in SNAD or SHPD, or planted areas, or offsets from NYSDEC's area of no disturbance on a site by site basis.

SNAD – On sites in this district, aquatic features cannot be altered without CPC authorization. The CPC may grant an authorization for modification to aquatic features if the proposal results in minimal disturbance of the aquatic feature and will not disturb the existing drainage pattern of the area, pursuant to ZR Section 105-426 (Alteration of aquatic features). These features must be considered during the Commission's review of future subdivision.

SHPD – Aquatic resources are not directly regulated in the special district; however, applications for authorizations to modify topography must meet findings that include that the topographical change will not disturb the soil conditions or drainage patterns in the area. These features must be considered during the Commission's review for future subdivisions.

SSRDD – The district goals specify the protection of aquatic resources that are irreplaceable must be considered during the Commission's review for future subdivisions. However, aquatic resources are not directly regulated in the special district, although applications for authorizations to modify topography must meet findings that include that the topographical change will not cause unnecessary disturbance of the drainage patterns in the area, including the soil conditions.

Controls during Construction

SNAD and SHPD Tier II sites – On these sites, no construction equipment can be operated beyond 15 feet of the building footprint, except for the construction of driveways and private roads; construction fences must be erected around all areas of no disturbance and around vegetation proposed to be preserved; excavating for fill is prohibited unless approved under a specified grading plan; a staging area must be located where it would minimize destruction of natural features; topsoil is to be used to revegetate the area upon completion of construction; and exposed earth shall be seeded during construction.

SHPD Tier I sites – Construction fences must be erected around all areas of no disturbance; a staging area must be located where it would minimize destruction of natural features; topsoil is to be used to revegetate the area upon completion of construction; and exposed earth shall be seeded during construction.

Habitat Preservation

There are no clear regulations in any of the special districts currently to preserve habitat. As noted earlier, there are designated “Areas of No Disturbance” in SNAD and SHPD that are protected from all types of construction activity. Areas of No Disturbance include steep slopes, steep slope buffers, and the critical root zone of each tree proposed for preservation. Existing zoning rules establishing Areas of No Disturbance are not based on the relative value, size, or location of existing habitat, but protect habitat as a secondary outcome of protecting steep slopes and individual trees. The amount of area preserved as natural habitat through this mechanism is impossible to predict, because the amount of permitted development on a given site is not defined by standards in the zoning regulations. Another zoning mechanism that has contributed towards some habitat preservation is DOS in SSRDD, described below.

Designated Open Space

DOS is a regulatory tool that exists within SSRDD. On sites in this district, any development or site alteration on a zoning lot that contains DOS requires certifications. As noted earlier, these mapped areas include public parks and NYC DEP Bluebelts, but also include private property to preserve existing natural areas such as forested areas and aquatic features. The CPC may grant a certification for development if the DOS is preserved in its natural state; and where required by the Commission, if public pedestrian ways or a waterfront esplanade are provided pursuant to ZR Section 107-22. If the development includes proposed recreational facilities in the DOS, the CPC also must review and certify that the recreational facilities are compatible with the purposes of the network of open space envisioned for the entire DOS system, and that the proposed construction would have minimal disturbance of trees, topographic features, and natural drainage systems. DOS rules allow yards to be modified as-of-right to locate development away from DOS and preserve these areas to the greatest extent possible.

Use Regulations

Existing regulations in SSRDD modify underlying zoning to prohibit “zero lot line buildings” without side yards. SSRDD rules limit the bulk of a particular type of land use, affordable independent residences for seniors, in Subarea SH and require a CPC Chair certification for the development of such residences. SSRDD also has special regulations for residential uses in Subarea M, which is mapped in a manufacturing district where residential uses are normally not permitted.

Bulk Regulations

Floor Area

SNAD – Floor area is governed by underlying regulations.

SHPD – Floor area is governed by underlying regulations, except that, for Tier II sites where a private road is located on a portion of a lot, the area of the private road is excluded for the purposes of calculating the maximum permitted floor area on the lot.

SSRDD – Floor area is governed by the underlying regulations. However, floor area bonuses in the underlying zoning for community facilities with large front or side yards are not permitted in *SSRDD*. Special floor area regulations apply to residential uses in Subarea M, which is mapped in a Manufacturing District.

Lot Coverage

SNAD and *SHPD* – On Tier I sites with no impact on steep slopes, lot coverage is regulated by the underlying zoning. On Tier II sites with no proposed disturbance of steep slopes, maximum lot coverage is regulated by the average percent of slope on the lot and the applicable zoning district (see Table 1).

Table 1: SNAD Tier II sites Lot Coverage Governed by Average Percent Slope of the Site

Avg % of Slope	R1	R2	R3	R4	R5	R6 (1-2 Family)	R6 (Other)
10 – 14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15 – 19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20 – 24.5	17.5	17.5	17.5	28.0	35.0	37.8	25.2

On Tier II sites or on Tier I sites where steep slope or steep slope buffer areas are being modified through development, enlargement or site alteration, the maximum lot coverage is regulated by the applicable zoning district as noted in Table 2.

Table 2: SNAD Tier II Lot Coverage if Steep Slope is Disturbed

R1	R2	R3	R4	R5	R6 (1-2 Family)	R6 (Other)
12.5	12.5	12.5	20.0	25.0	27.0	18.0

The CPC may authorize the modification of limits to lot coverage on a Tier II site or applicable Tier I site pursuant to ZR Section 105-431 (Modification of Lot Coverage Controls) in *SNAD* and ZR Section 119-314 (Modification of lot coverage controls) in *SHPD*. The authorization would be granted by the CPC if the development or enlargement is not feasible without modification, if the shape of the building preserves the aesthetic value of the area, if such modification is the least modification necessary, has minimal impact on existing natural topography, will not disturb the drainage pattern and soil conditions, and does not impair the essential character of the area.

In *SSRDD*, lot coverage is governed by the underlying regulations.

Hard Surface Area

Hard surface area is any area on a lot covered by paved or other solid surfaces, such as roads, driveways, sidewalks, patios, decks, porches, and the roofs of buildings. Because hard surface area generally does not allow water to penetrate into the ground, swimming pools are also considered hard surface area; rainwater cannot penetrate into the ground through the bottom of the pool. The opposite of hard surface area is area that includes planted areas at ground level, including lawn, gardens, and other areas with natural soil.

Hard surface area is not regulated directly within any of the three special districts. However, during review of proposed development seeking an authorization within SNAD and SHPD, the CPC has generally approved applications where no more than 50 percent of a lot is covered by hard surfaces.

Lot Area and Lot Width

SNAD – In this district, the minimum lot area is increased to 12,500 square feet if a lot contains steep slopes covering more than half of the lot.

SHPD – LDGMA rules pursuant to ZR Section 23-32 are modified to exclude private roads and associated planting strips and sidewalks from the calculation of minimum lot area to preserve neighborhood character within SHPD.

SSRDD – Special minimum lot area and lot width regulations in this district require an area and lot width greater than the underlying minimum requirements, based on the proposed building type and the number of stories. In Special Area LL all residences shall have a minimum lot area of 5,700 square feet and a minimum lot width of 50 feet. Table 3 shows the lot area and lot width rules that apply throughout the special district in all other areas.

Table 3: SSRDD Minimum Lot Area, Lot Width and Building Typologies for Residential Zoning Districts

District	Type of Residence	Height (In Stories)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)
R1-1	Detached	1-4	9,500	100
R1-2	Detached	1-2	5,700	40
		3	5,700	50
		4	5,700	60
R2	Detached	1-4	3,800	40
R3-1	Detached	1-2	3,800	40
		3-4	3,800	45
	Semi-Detached	1-2	2,375	24
		3-4	3,800	40
R3-2	Detached	1-2	3,800	40
		3-4	3,800	45
	Semi-Detached	1-2	2,375	24
		3-4	3,800	40
		1-2	1,700	18
	Attached	1-2	2,375	24
		3-4	2,280	24
3-4		3,800	40	
R3A	Detached	1-3	3,325	35
R3X	Detached	1-2	3,800	40

District	Type of Residence	Height (In Stories)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)
		3	4,750	50
		4	5,700	60
R4A	Detached	1-3	3,325	35
R4-1	Semi-Detached	1-3	2,375	24
	Detached	1-3	3,325	35

Yard Regulations

SNAD – In SNAD, yards are regulated by underlying zoning regulations. However, the CPC may grant an authorization to modify yard regulations pursuant to ZR Section 105-432 (Modification of yard, height, and setback regulations, and parking location regulations) if the proposed placement of buildings and arrangement of open space will preserve significant natural features and will not have negative effects on the light, air and privacy of existing adjacent buildings.

SHPD – In this district, yards are regulated by underlying zoning regulations. However, the CPC may grant an authorization for modification of yard regulations pursuant to ZR Section 119-318 (Authorization for modification of certain bulk regulations) for any development or enlargement on a Tier II site if the modification will preserve natural features, is the least modification necessary, and the proposed development will not have negative effects on the light, air, and privacy of properties in adjacent areas.

SSRDD – In this district, the front yard requirements of the underlying districts apply, except in the following districts, where front yards must be 18 feet deep: R2, R3, R4, and R5 districts (excluding contextual districts such as R3A districts). Required side yards increase as the height of the building increases, as shown in Table 4.

Table 4: SSRDD Side Yard Requirements

District	Type of Residence	Height (in stories)	Number of Side Yards Required	Required Total Width	Required Minimum Width of any Side Yard
R2 R3-1	detached	1-2	2	15	5
R3-2		3-4	2	20	5
R3-1 R3-2	semi-detached	1-2	1	9	9
		3-4	1	15	15
R3A R4A	detached	1-4	2	15	5
R3X	detached	1-2	2	15	5
		3	2	20	8
		4	2	25	10
R4-1	detached	1-4	2	15	5
	semi-detached	1-4	1	9	9

The CPC may grant a certification for the modification of yard regulations for single- or two-family residences if certain conditions are met pursuant to ZR Section 107-465 (Modifications of special yard regulations for certain zoning lots). The CPC may also grant an authorization for the modification of yard and court regulations if certain findings are met pursuant to ZR Section 107-62 (Yard, Court and Parking Regulations). The authorization must be for the purpose of allowing proposed development to avoid steep areas and significant trees. The authorization would be granted by the CPC if the proposed buildings will not have adverse effects upon light, air, and privacy of adjacent lots. Most lots that contain DOS can modify yards or distance between buildings as-of-right to avoid development within the DOS pursuant to ZR Section 107-225 (Special bulk regulations for developments containing DOS); however, if the area of DOS claimed as lot area exceeds the lot area outside of DOS, the bulk modifications would require a CPC special permit pursuant to ZR Section 107-72 (Qualification of DOS as lot area for bulk regulations).

Building setback requirements also apply along the Staten Island Railroad and to lots fronting on designated arterials and park streets as described further below.

Height and Setback

SNAD – In this district, height and setback requirements are regulated by underlying residential zoning regulations. The CPC may authorize modification of height and setback regulations pursuant to ZR Section 105-432 (Modification of yard, height, and setback regulations, and parking location regulations) if the modification will preserve significant natural features, and if the proposed buildings will not have adverse effects upon the light, air, and privacy of adjacent buildings.

SHPD – In this district, Tier II sites have special height and setback regulations. In R1, R2, R3, and R4 districts, the maximum height is 36 feet; in R5 districts, the maximum height is 60 feet; and in R6 districts, the maximum height is 70 feet. The CPC may authorize the modification of height and setback regulations pursuant to ZR Section 119-315 (Modification of height and setback regulations) if the development is not feasible without such modification, it is the least modification required, the modification allows the preservation of steep slopes and vegetation, and the proposed buildings will not have adverse effects upon the light, air and privacy of adjacent lots.

SSRDD – In this district, height and setback requirements of the underlying regulations are modified so that buildings are limited to a height of four stories and all other structures are limited to a height of 50 feet, unless modified by a special permit from the CPC pursuant to ZR Section 107-73 (Exceptions to height regulations). In order to grant the special permit, the CPC must find that the proposed building or structure doesn't detract from the character of the area, and that the modification permits the preservation of steep slopes, DOS, or outstanding views.

Arterial and Park Streets

In *SSRDD*, certain streets are designated as either arterial or park streets, and special regulations apply to vehicular access to each lot, setback of buildings, and landscaping. Access limitations are designed to limit traffic and pedestrian conflicts. For lots with frontage only on an arterial or park street, only one curb cut is permitted, except when additional curb cuts are

granted pursuant to CPC certification 107-251 (Special provisions for arterials). For lots with frontage on an arterial or park street as well as another street, the CPC may grant an authorization for additional curb cuts on the arterial or park street pursuant to ZR Section 107-68 (Modification of group parking facility and access regulations) if the proposed development results in a minimum of local traffic, and if traffic flow is better controlled as a result of the proposed access.

Building setbacks of 20 feet are required along arterial streets. If buildings are set back at least 35 feet, then the area in front of the building may be used for parking or loading. For park streets, special street tree rules apply, and the owner of each development abutting a park street is responsible for landscaping and maintenance of that portion of the park street located between the front lot line and the curb. These rules were among the City's first zoning rules to require street trees for new developments; today street tree planting requirements apply Citywide.

Court and Open Space Regulations

Court and open space regulations control the amount of space on the lot not used by buildings, and how that space is shaped by buildings and lot lines.

SNAD and SHPD – In these districts, courts and open spaces are regulated by underlying zoning regulations except that, for Tier II sites in SHPD, where a private road is located on a portion of a lot, the area of the private road is excluded for the purposes of calculating open space requirements on the lot.

SSRDD – In this district, single- and two-family detached residences are exempt from court regulations. For one-story residential buildings that are not exempt, the area of an inner court must be at least 225 square feet and at least 15 feet wide. For taller residences, the area of an inner court must be at least 400 square feet and at least 20 feet wide. The CPC may authorize the modification of yard and court regulations pursuant to ZR Section 107-62 (Yard, court, and parking regulations). The authorization must be for the purpose of allowing proposed development to avoid steep areas and significant trees. The authorization would be granted by the CPC if the proposed buildings would not have adverse effects upon light, air, and privacy of adjacent lots.

Parking and Curb Cut Regulations

Although rules regarding the location of parking spaces can directly affect how much design flexibility exists to preserve natural features, there is no consistency among the three special districts.

SNAD – In this district, accessory parking spaces may be provided as curbside parking on a private road. The CPC may authorize modifications in parking location regulations pursuant to ZR Section 105-432 (Modification of yard, height, and setback regulations, and parking location regulations) if the modification will preserve significant natural features.

SHPD – In this district, locating required parking spaces within a front yard is permitted, which is an exception to LDGMA rules that normally prohibit parking anywhere between the front of a residence and the street. Any parking facility with 30 or more parking spaces is not permitted

without an authorization. The CPC may authorize a parking facility with 30 or more parking spaces pursuant to ZR Section 119-312 (Authorization of certain uses within the Special Hillside Preservation District) if the proposed construction will not adversely affect natural topography, vegetation, and drainage patterns; if it will not impair the character of the area; and if the proposed parking facility results in a minimum of local traffic.

SSRDD – In this district, parking lots and parking garages for commercial, community facility and manufacturing uses are limited to 30 parking spaces without CPC authorization. Parking areas are required to be screened from adjacent lots by a landscaped strip at least four feet wide, and from adjacent streets by a landscaped strip at least seven feet wide, each densely planted with evergreen shrubs.

The CPC may authorize a parking facility with more than 30 parking spaces pursuant to ZR Section 107-68 (Modification of group parking facility and access regulations) if the proposed parking facility results in a minimum amount of local traffic. The CPC may also permit modifications through this authorization to parking lot landscaping and maneuverability requirements to preserve vegetation and natural topography.

Cross Access Connections

Cross access connections are required for all commercial or community facility uses in C4-1, C8, M1, M2, and M3 districts in Staten Island for developments with greater than 70 percent or more of the floor area comprised of these land uses, or enlargements in floor area or parking if the accessory parking lot has more than 36 spaces or 12,000 square feet of lot area (see Figure 4). In summary, all proposed cross access connections require CPC Chair certification. The CPC may grant an authorization to waive or modify a cross access connection requirement due to irregular lot shape or other site planning constraints. Other cross access connections may be waived by CPC Chair certification due to extreme grade changes, the presence of wetland or trees along the lot line boundaries, or relocation of a previously certified connection.

Site Planning of cross access connections, and related land use actions

Developments or enlargements must provide cross access connections to adjacent properties along any lot line greater than 60 feet in length where the following rules can be met:

- The cross access drive is located a minimum of 23 feet from the nearest street line;
- The cross access drive is an extension of a travel lane on subject site (and aligns with a travel lane on an adjacent site as practicable);
- The grade of the cross access drive is less than 15 percent;
- There is no existing building blocking access within 50 feet of the lot line; and
- Constructing the cross access drive would not result in removal of significant natural features (such as wetlands or trees greater than six-inch caliper).

The CPC Chair must certify that any proposed connection meets these conditions pursuant to ZR Section 36-592. If an access along a lot line greater than 60 feet in length would not meet

these rules, the Commission Chair may certify that no cross access is required (ZR Section 36-596).

If a cross access connection along a lot line greater than 60 feet could meet these rules but is otherwise infeasible, the Commission may authorize a waiver for cross access.

Certifications for Cross Access regulations

The CPC Chair may certify compliance with the conditions of cross access connections regulations pursuant to ZR Section 36-592 (Certification of cross access connections), or that no connection is required, and/or relocation of previously certified connections and voluntary connections pursuant to ZR Sections 36-592 or 36-596 (Certification that no connection is required, relocation of previously certified connections and voluntary connections).

Authorization for Cross Access regulations

The CPC may grant an authorization for waivers or modifications of cross access connections pursuant to ZR Section 36-597 (Authorization for waivers or modifications to cross access connections) due to an irregular shape of a zoning lot, or due to the design of the parking lot, or the placement of a building that would interfere with the connection.

Proposed Land Use Actions

The following section describes the proposed regulations, provides a comparison with existing regulations, and identifies any anticipated change in outcomes from the current scenario. The section is organized similar to the previous *Existing Zoning* section and includes a description of the location of the combined special district and its relation to existing three special districts, an overview of the proposed review structure, a description of regulations pertaining to protection of natural features and bulk, and describes the details of discretionary review required. Proposed changes to cross access regulations and a clarification to an existing LDGMA zoning regulation are also described.

Geography

As illustrated in Figure 5, the proposed special district would combine the boundaries of two existing special districts (SNAD and SHPD) into one combined special district, to be referred to as the Special Hillside and Natural Areas District (SHNAD) due to the similar goals and special rules that exist today for sites with steep slope and hillsides. The currently mapped SNAD NA-1, SNAD NA-3 Shore Acres, and SHPD would be combined to form the proposed SHNAD.

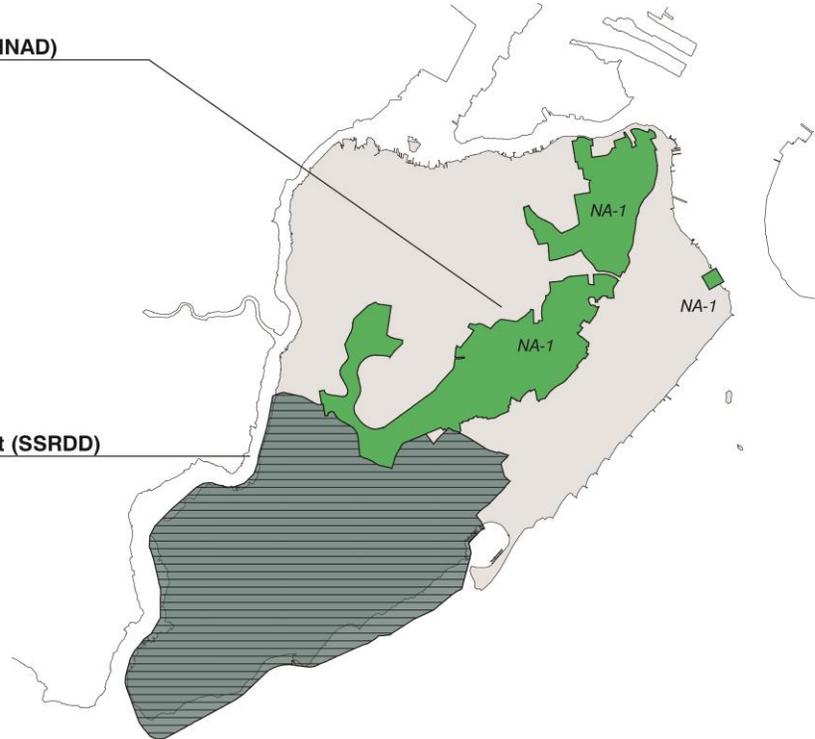
Community Boards | Neighborhoods

Special Hillside and Natural Area District (SHNAD)

- | | |
|-----------------|-------------------|
| ■ Silver Lake | ■ West Brighton |
| ■ Grymes Hill | ■ Ward Hill |
| ■ Tompkinsville | ■ Randall Manor |
| ■ New Brighton | ■ St. George |
| | |
| ■ Todt Hill | ■ Lighthouse Hill |
| ■ Emerson Hill | ■ Shore Acres |

Special South Richmond Development District (SSRDD)

- | | |
|-------------------|-------------------|
| ■ Tottenville | ■ Annadale |
| ■ Charleston | ■ Eltingville |
| ■ Rossville | ■ Arden Heights |
| ■ Sandy Ground | ■ Great Kills |
| ■ Woodrow | ■ Prince's Bay |
| ■ Bay Terrace | ■ Richmond Valley |
| ■ Pleasant Plains | |



*The regulations currently applicable to Fort Totten (Queens) and Riverdale-Fieldston (Bronx) are independent from the rest of the Special Natural Area District and would remain unchanged in the proposal.

Figure 5: Proposed Special District Boundaries

For the proposed SHNAD, the proposal would establish a new ecological area designation, Escarpment Area. Modified bulk and hard surface rules would apply and vary within the Escarpment Area. The Escarpment Area would include the steep slopes of the Serpentine Ridge of Staten Island, from Historic Richmond Town to Tompkinsville; the proposed regulations for this area are aimed to balance development on private property and protect geologic and topographic features of the Serpentine Ridge. The proposed regulations for areas outside of the Escarpment Area aim to provide consistent regulations for development and preservation of steep slopes and hillsides to contribute to the overall ecological importance and neighborhood character within the combined special district.

The existing boundaries of SSRDD would remain. Within SSRDD, Areas D, F, and K would be eliminated because the regulations for these areas are outdated and no longer necessary. Special areas LL, M, and SH would be retained and remain as subareas within SSRDD.

Updates to cross access connections would continue to apply within the same geography in Staten Island (see Figure 4:

Review Structure

Although the existing special districts require approval by the CPC based on a variety of factors, including proposed removal of individual trees or modification of slopes even for small

properties, the proposed SHNAD would require CPC review for the following types of properties (collectively referred to as Plan Review Sites):

- 1 acre or larger in size where a new building, enlargement, subdivision or site alteration is proposed; or
- if smaller than 1 acre:
 - where a development requires a new private road or the extension of one;
 - if located in an Escarpment Area, where four or more buildings, lots, or eight or more dwelling units are proposed.

A small constrained site with unique topography or natural features may have the option to seek modifications to the SHNAD rules by CPC authorization.

The proposed regulations for SSRDD would require CPC review for properties that qualify as a Plan Review Site:

- 1 acre or larger in size where a new building, enlargement, subdivision or site alteration is proposed, or
- if smaller than 1 acre:
 - where a development requires a new private road or the extension of one.
 - A small constrained site with unique natural features may have the option to seek modifications to the SSRDD rules by CPC authorization.

Other SSRDD actions that would be maintained or modified and require CPC review include:

- development within Area SH;
- development within Area M;
- modification to height;
- where more than one curb cut is proposed on a lot with 100 feet or more of frontage;
- for developments on sites where waterfront esplanade regulations are applicable;
- active recreational facilities within DOS; or
- to certify sufficient school seats are available.

Minor enlargements, site alterations, or tree removal on Plan Review Sites that meet certain proposed thresholds would not require CPC discretionary review and would require a CPC certification or ministerial review.

All other properties, new buildings, enlargements, subdivisions and site alterations on parcels other than Plan Review Sites would be reviewed by DOB. This ability to apply directly to DOB is known as “as-of-right” development, meaning that, if underlying zoning regulations and proposed special district rules are met, DOB will approve the plans.

The proposal would remove the CPC review for Bluebelt properties managed by NYC DEP that is required in the existing SSRDD or SNAD, and also the review for NYC Parks properties that is required in the existing SNAD.

Protection of Natural Features

The proposed zoning regulations have similar goals for preservation of natural features as described within the three existing special districts. However, the proposed rules would approach the preservation of natural features in a holistic manner to enhance the relationship between the natural features on a property and the larger ecological landscape.

When new construction or significant changes on a property are proposed within SHNAD, such as an enlargement with a 20 percent increase in floor area or an increase of hard surface area (areas of the site covered by a building or hard surfaces) of 400 square feet or greater, they would be subject to all proposed lot coverage and limits on hard surface areas, which include driveways, walkways, decks, and patios. Properties throughout this proposed district would be subject to a hard surface area and lot coverage maximum depending on the area of slope category altered by the proposed development, enlargement, or site alteration; these restrictions would vary and would be stricter within higher slope categories within the Escarpment Areas. The objective of these restrictions is to limit the amount of disturbance to topography, encourage preservation of the steepest areas of the site, and maintain overall planted areas to contribute to the permeability of the district and enhance the existing neighborhood character.

Within SSRDD, the proposed regulations aim to maintain existing goals and streamline the review process for most smaller sites by codifying best practices used under today's discretionary review process when topography, trees, or aquatic features are proposed to be altered.

The narrative below describes proposed regulations under each type of natural feature and spells out the differences between the current regulations where necessary. Unless otherwise specified, the regulations as described apply to all special district geographies (SHNAD and SSRDD).

Tree Regulations

The goal of the proposed tree planting and preservation regulations is to encourage preservation of mature trees and provide flexibility for development and tree preservation in an as-of-right regulatory framework. Tree requirements would continue to be determined through the existing system of tree credits in SHNAD or SSRDD, but the proposed rules would assign a higher value to all existing larger trees, as opposed to current credit system that increases linearly with the tree caliper inches (see Figure 6: for comparison of credit system between existing and proposed). The proposed rules would encourage tree preservation by offering more credit for preserved trees than for newly planted trees, and values for the most mature trees would be significantly higher than under the current systems. The proposed rules would also update the tree planting lists to align with New York City's *Native Planting Guide* to ensure the

planting list is continuously up to date and does not include invasive trees that are prohibited by New York State law.²

In addition, based on goals for preserving neighborhood character within SHNAD, trees preserved in the front yard would get one additional tree credit compared to a tree of the same caliper elsewhere on the property.

For sites with existing trees within SHNAD that are designated as invasive species, such as Norway Maple, the proposed rules would provide additional incentive for the removal of an invasive tree and encourage the tree to be replaced according to New York City’s *Native Planting Guide* to encourage a healthy and diverse ecosystem.

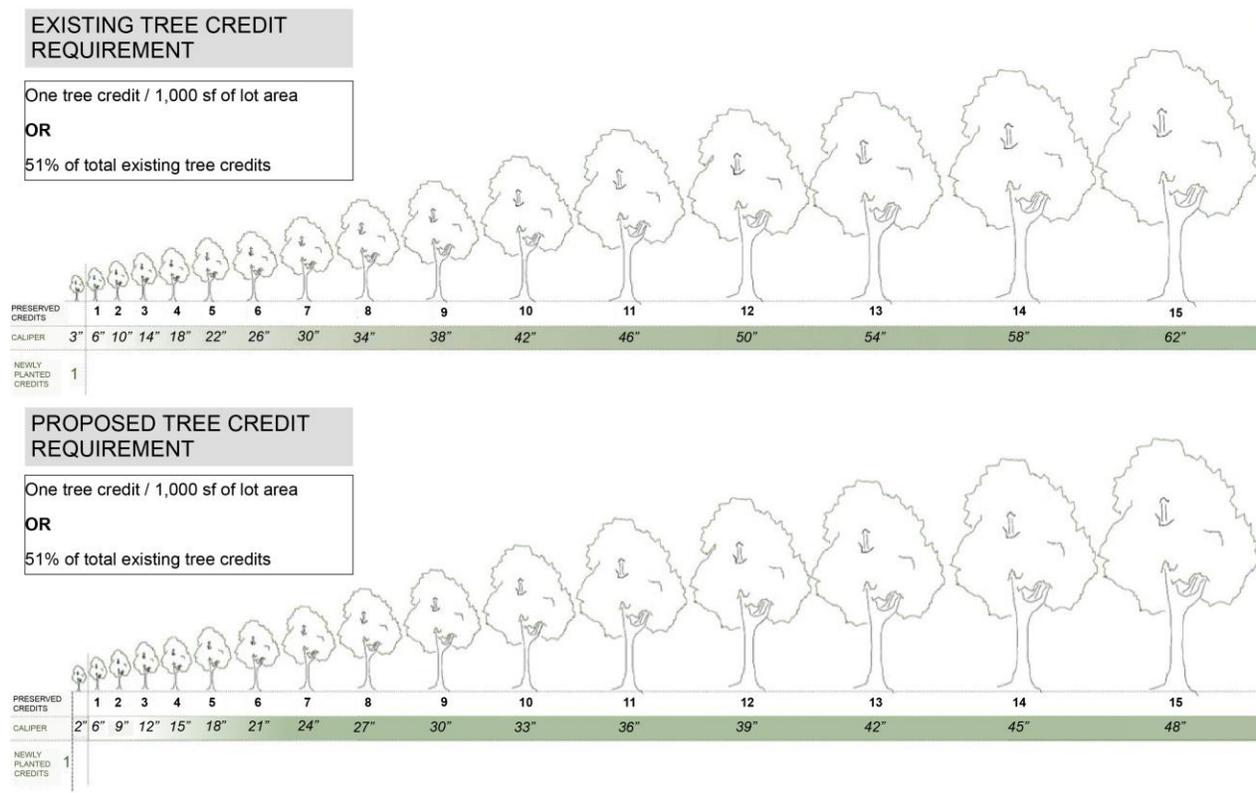


Figure 6: Comparison between Existing and Proposed Tree Value Credit System in the SHNAD

Critical Root Zone

The critical root zone is an area around the tree that is critical to the tree’s survival that would be calculated similarly as in existing rules (one-foot radial from the tree trunk for every inch of thickness of the tree trunk), except there would be no upper limit of 22 feet as in the existing rules. For instance, a 50-inch caliper tree would require 50 feet of critical root zone in the proposed regulations. Proposed regulations introduce the concept of a structural root zone

² City of New York Parks & Recreation. 2019. Native Species Planting Guide for New York City. (3rd Edition). Available online: https://www.nycgovparks.org/pagefiles/142/Native-Plant-Guide-2019-FINAL_5d4c302e1755f.pdf

which is a smaller portion of the critical root zone; in order to preserve a tree for credit, the structural root zone must not be disturbed. Existing rules do not allow any impact to critical root zones of trees. The proposed rules protect trees, but they may discourage their preservation since no credit is given if site alteration occurs within the critical root zone or if this area overlaps with the construction zone of the proposed development. Forestry and silvicultural practice indicate that trees can tolerate a small amount of disturbance within their critical root zones, outside of the structural root zone.

The proposed rules in both special districts would allow a portion of the critical root zone to be disturbed by proposed construction and still allow the tree to count as preserved tree credit, thus encouraging the preservation of existing trees. Under the proposed rules, up to 10 percent of the critical root zone (outside of the structural root zone) could be disturbed, and any disturbance to the critical root zone between 10 and 30 percent would be permitted to count towards preserved tree credits if a tree protection plan prepared by a registered landscape architect or certified arborist is provided to DOB to demonstrate the tree's survival.

Parking lot landscaping rules per ZR Section 37-90 would continue to apply and count toward the proposed regulations.

South Richmond Landscaping Rules

Existing special landscaping rules applicable in the SSRDD, as described in the *Existing Zoning* section, would continue to apply under the proposed regulations because they are unique regulations specific to this area.

Topographic and Geologic Resources

Special Hillside and Natural Areas District --In SHNAD, the proposed rules for topographic and geologic resources aim to limit disturbance of steep slopes; reduce hillside erosion, landslides, and excessive stormwater runoff associated with development; incentivize placing new development and other additions to the site on the flatter portion or areas with the least significant geologic resources; preserve neighborhood character; and enhance and protect these natural features by more stringent requirements for lot coverage and limits to hard surface areas on the site.

The lot coverage, further described in Table 5, would be based on the steepness of the slope being disturbed by development or site alteration; for example, if a majority of the proposed building is sited on a steeper portion of the site with a slope of 85 percent or greater, the lot coverage would be limited to 12.5 percent. In addition, the maximum hard surface area allowed would be linked to the amount of permitted lot coverage or category of slope being impacted; for a site limited to 12.5 percent lot coverage, the proposed rules would limit hard surface area to 40 percent. To incentivize development on flatter portions of the site, the lot coverage and hard surface regulations would allow for more flexibility when lower categories of steep slope are disturbed. This proposed approach aims to codify CPC best practices for smaller sites and provide options to homeowners in designing their site without requiring CPC review.

Proposed rules would permit topographical changes as-of-right on small sites, provided that slopes meet certain grading standards regulating the ratio of cut slopes and fill slopes.

Table 5: Proposed Maximum Lot Coverage for R1, R2 and R3 Districts in SHNAD

Geography	Zoning District	Impacted Slope Range (%)	Max Lot Coverage (%)
Escarpment and other areas	R1, R2, R3	85 or greater	12.5
		65 – 84.9	15
		45 – 64.9	17.5
		35 – 44.9	20
		25 – 34.9	22.5
Escarpment Areas	R1, R2, R3	10 – 24.9	R1 - 25
			R2, R3 - 30
All other areas	R1	Less than 10	Underlying
	R2, R3		
		Less than 25	

In the existing rules, limitations to the height of retaining walls are determined by grading controls for Tier II sites in SHPD. Under the proposed rules for SHNAD, any retaining walls needed to manage slopes would be limited to an average height determined by the topographic features of the site, location of the retaining wall, and use to preserve neighborhood character. Additional planting and landscaping requirements would also apply. Regulations may be modified for non-residential sites or residential sites by CPC authorization.

Within the Escarpment Area, if steep slopes exceeding 25 percent are altered by a development or site alteration, topographic modifications would not be permitted beyond 20 feet of the development or site alteration, except to permit a driveway or a private road. Erosion controls currently applicable in SNAD and Tier II sites in SHPD would be applicable to all sites in the proposed special district.

In all other areas of SHNAD, topographic modifications would be permitted as-of-right in accordance with the rules for maximum hard surface and lot coverage.

Special South Richmond Development District--In SSRDD, the proposed rules aim to limit disturbance of topographic features, drainage patterns, and excessive stormwater runoff associated with development; preserve neighborhood character; and enhance and protect these natural features on Plan Review Sites greater than 1 acre with habitat or for developments that require the development of private roads. The current rules regulate modification of topography on all sites, regardless of size, scale or intensity of use; the proposal prioritizes the preservation aspect to larger sites that have a greater impact to the topographic resources, drainage patterns, neighborhood character, and the public realm.

Aquatic Resources

In SHNAD and SSRDD, the proposed regulations would codify CPC best practices to preserve existing aquatic features and allow the redistribution of bulk to avoid encroachment into

NYSDEC delineated Areas of No Land Alteration and accommodate a buildable area, including recreational spaces, outside of those restricted areas. Zoning tools may include requiring larger zoning lot area for sites with significant aquatic resources and allowing as-of-right bulk modifications.

All construction within areas regulated by NYSDEC would continue to be subject to NYSDEC approval, and NYSDEC's ability to review and approve or deny construction within regulated wetland and adjacent areas would not be affected by the proposed regulations.

Controls during Construction

In SHNAD, in addition to proposed rules regarding erosion and sedimentation controls, an overall set of rules similar to those currently existing in SNAD and in SHPD for Tier II sites would apply throughout the entire special district to preserve steep slopes and other significant natural features during the construction process. These rules would require that the way a site is used during the construction process is carefully thought out and contained so that the ecologically sensitive portions of a site are preserved. Construction fencing would be required around the critical root zones of trees to be preserved, and slopes over 25 percent beyond 20 feet of a building. A construction plan, which is currently a required submission material for a CPC authorization in the special districts, including details such as locating equipment access roads, staging areas, construction fences, and preserved areas, would be required per the proposed zoning rules to be submitted to DOB as part of the application requirements.

Habitat Preservation

The special districts contain many of the largest natural areas in New York City, and there are many undeveloped natural areas remaining on private property.

In alignment with the current goals of the districts, the proposed rules aim to prioritize the preservation of significant natural features particularly on sites 1 acre or larger. It is at this scale where natural features could be part of larger habitats or have ecological connectivity with surrounding natural areas; for example, a large grouping of mature trees may be part of an undisturbed forest. Habitat preservation has the benefit of ensuring the survival of a diverse species of plants and animals and provides opportunities to bring communities closer to nature and improve human health.

In SHNAD and SSRDD, proposed rules would require that properties of 1 acre or more in size check an online habitat map on DCP's website to pre-identify potential habitat on a lot; if the online map indicates possible habitat, a site assessment or survey would be completed by an environmental professional to survey existing conditions and confirm the presence of valuable habitat and its connectivity to larger protected natural areas. During the application process for the Plan Review Site, the CPC would use the site assessment to determine the presence of valuable habitat area and authorize whether a portion of this existing natural area should be designated as a "habitat preservation area" or "area of no disturbance". These areas could be utilized for passive recreation; however, no development would be permitted within the established area.

Within SSRDD, properties subject to both habitat preservation and waterfront public access regulations per ZR Section 62-00 would be permitted to modify waterfront public access area

requirements by CPC authorization. This would help balance the preservation of habitat while also providing public waterfront access.

Designated Open Space

In SSRDD, the DOS boundaries shown in the appendix text maps are proposed to be updated to indicate dimensions of DOS for predictability. As part of this process, boundaries would be adjusted or removed through a zoning text map amendment to address areas of DOS that do not serve the goals of the SSRDD Open Space Network. The goals include providing connections to larger DOS sites, NYC DEP Bluebelts, and parkland, as well as preserving DOS in its natural state to preserve natural features such as wetlands. In some cases, DOS was mapped in small, isolated fragments over improved and unimproved mapped street sections and on existing buildings on private property which do not meet the goals of the Open Space Network. In other cases, DOS is located too close to existing residential buildings, which consequently has resulted in DOS covering the entire rear yard of a small property. On properties with existing homes where DOS is mapped and where sensitive ecological features are not present, DOS boundaries would be adjusted to require a minimum open area between buildings and DOS; this would provide a usable open area for access or recreation so that existing buildings are less constrained by DOS regulations. In other cases, DOS boundaries are proposed to be adjusted to consider proposed rules for the preservation of habitat on large sites to better align DOS boundaries with existing habitat areas.

Rules regarding DOS would be maintained and modified slightly to create as-of-right regulations for most small sites. An existing Chair certification that allows DOS to be used for active recreational facilities would be clarified to align with its original intent of communal use. Existing rules allowing for delayed construction of certain improvement if a performance bond is posted would be eliminated, requiring instead that construction of public improvements be completed prior to issuance of a certificate of occupancy for new buildings affected by these rules. The proposal would eliminate four existing special permits applicable for sites with DOS that currently permit adjustment of a DOS boundary, permit community facility buildings or treatment plants in DOS, and permit building encroachment into DOS; instead any proposed modifications to DOS boundaries would be permitted through a zoning text map amendment (which is a process most often sought by applicants). Another special permit (ZR Section 107-72) would be eliminated so that all sites with DOS may utilize bulk modifications and flexible site planning as provided currently within ZR Section 107-225.

Use Regulations

In SSRDD, existing special use regulations would continue to apply. These rules include not permitting “zero lot line buildings,” limiting the bulk of affordable independent residences for seniors in Subarea SH and requiring the development of such residences to apply for a certification, and special regulations for residential uses in Subarea M.

Bulk Regulations

Floor Area

The floor area regulations of the currently existing SSRDD, which limit the floor area ratio for community facilities and provide special rules for residential uses in Subarea M, would continue to apply under the proposed new regulations within the South Richmond Subdistrict. Floor area for all other parts of the special districts is governed by underlying regulations and would not be affected by the proposed regulations.

Lot Coverage

In SHNAD, the proposed lot coverage rules would aim to provide predictable and clear outcomes for future development and would apply more stringent controls based on disturbance to steep slope. Based on the study of prior CPC approvals, proposed rules would limit lot coverage for residential buildings in R1, R2, and R3 districts based on whether the site is within the Escarpment Area and which category of steep slope is being modified. Buildings located on steep slopes would be subject to tighter lot coverage restrictions in relation to the steepness of the slope.

When the proposed lot coverage results in a constrained condition due to unique topographic features of the site, an authorization would be available to non-Plan Review Sites to seek modification of the special district requirements.

To align SHNAD lot coverage policy with underlying LDGMA floor area regulations, portions of a garage that are not located within the footprint of a building would be removed from the lot coverage calculation.

For all other zoning districts, underlying regulations would continue to apply.

Hard Surface Area

In SHNAD, proposed regulations aim to limit the amount of hard surface area to codify CPC best practices, encourage planted areas that make up the neighborhood character of this district, and facilitate permeability. Hard surface area calculations would include buildings, other structures, driveways, pathways, pools, and other paved surfaces. Proposed rules would limit the amount of hard surface area as a percentage of the lot (Table 6: Maximum Hard Surface Area in SHNAD). For residences in R1, R2, and R3 districts, the amount of hard surface area would be linked to the amount of permitted lot coverage or area of slope category being disturbed – the sites with the most restricted lot coverage would also have the most restricted amount of hard surface area. All other residential and non-residential uses of property in the special district would be permitted more hard surface area to accommodate the parking and intensity of use, as well as to maintain consistent requirements for development and permeability in the district. Where permeable pavement is used for required parking or access to a site, portions of hard surface may be removed from the hard surface calculation. Commercial uses would be permitted to have the highest amount of hard surface area within their respective districts.

In SSRDD, the proposed rules would maintain the existing regulations for sites with DOS pertaining to hard surface area limitations for driveways, private streets, parking spaces, and loading berths per ZR Section 107-45.

Table 6: Maximum Hard Surface Area in SHNAD

Geography	Zoning District	Impacted Slope Range (%)	Max Lot Coverage (%)	Max Hard Surface Area (%)
Escarpment and other areas	R1, R2, R3	85 or greater	12.5	40
		65 – 84.9	15	45
		45 – 64.9	17.5	45
		35 – 44.9	20	50
		25 – 34.9	22.5	50
Escarpment Areas	R1, R2, R3	10 – 24.9	R1 - 25	50
			R2, R3 - 30	
		Less than 10	Underlying	50
All other areas	R1	Less than 25		55
	R2, R3		65	

Lot Area and Lot Width

In SHNAD, to provide clear and predictable outcomes for sites with steep slopes and hillsides, the proposed rules would extend the requirement for larger minimum lot areas for sites with steep slope in SNAD to the proposed SHNAD Escarpment Areas to ensure the preservation of these areas. For example, on a zoning lot comprising of 50 percent or more steep slope, the proposal would require a minimum lot area of 12,500 square feet in R1 districts in the Escarpment Area. Lots that have less than half of their area categorized as steep (more than 25 percent slope) would be able to instead use the standard underlying minimum lot sizes.

The SHNAD proposal would exclude private roads and associated planting strips and sidewalks from the calculation of minimum lot area to preserve neighborhood character, as is currently regulated in the existing SHPD. Currently, portions of lots that include private roads are permitted to be included when calculating minimum lot area in the existing SNAD. The proposed change could result in fewer lots thus slightly reducing the density of development. However, maximum floor area would remain the same. Any new private road development would require CPC review in SHNAD or SSRDD.

Special minimum lot area and lot width regulations currently applicable in the existing SSRDD would continue to apply.

Yard Regulations

Special minimum yard regulations currently applicable in the existing SSRDD would continue to apply, including 18-foot front yards in non-contextual R2, R3, R4, and R5 districts, and special side yards depending on the height of the residential building. ZR Sections 107-461, 107-462, 107-463, and 107-464 would continue to apply without any substantive change.

New proposed rules for SHNAD or SSRDD would allow the minor modification of yard regulations for the preservation of natural features as-of-right. If a lot is highly constrained due to either being in an Escarpment Area, or contains steep slopes or nearby aquatic resources, front yards could be reduced; e.g., front yards could be modified in R1 districts to 15 feet, and in R2 through R5 districts to 10 feet.

As-of-right front and rear yard reductions would not be permitted to be used together on the same lot.

The proposed modifications are aimed at providing flexibility of design in an as-of-right scenario to achieve preservation of natural features to the greatest extent possible. The proposal would not affect the amount or type of development.

Height and Setback

The existing four-story/50-foot height limit for buildings and other structures in the existing SSRDD would continue to apply. In SSRDD, the proposed zoning would also include a rule that would apply to lots with DOS to help accommodate floor area and preserve DOS by allowing for a minor addition to height of buildings in R1, R2, and R3 districts.

In SHNAD, the proposed zoning would also include a rule that would apply to lots with steep slopes to allow for a minor addition of height to buildings in R1, R2, and R3 districts, to help offset for the reduced lot coverage permitted and allow the floor area to be accommodated more vertically.

Arterial, Staten Island Rapid Transit and Park Streets – Setbacks in SSRDD

Rules regarding arterial streets in the existing SSRDD would be modified as follows: within commercial and manufacturing districts, required 20 foot setbacks along arterial streets would become optional (except for heavy manufacturing uses, Use Group 16, 17, and 18), provided that developments meet transparency requirements at the ground floor. In addition, Arthur Kill Road would be added to the SSRDD arterial text map to ensure developments would be subject to curb cut and setback restrictions.

Rules requiring buildings to be set back from the Staten Island Rapid Transit right-of-way within SSRDD would continue to apply.

Park street designations would be eliminated from SSRDD. Regulations for park streets that include planting area and curb cuts became outdated when the City required street trees to be installed along the frontage of all new developments.

Court and Open Area Rules

Currently existing special court regulations in the existing SSRDD would continue to apply. In addition, within the SSRDD, the proposed regulations would require an open area between a proposed building and DOS to codify CPC best practice and ensure a usable area for access, maintenance, or recreation; a minimum open area would be required at the rear of any residence and adjacent to DOS, or would be required between the sides of the building and DOS.

Parking and Curb Cut Regulations

In SSRDD, the proposed regulations would allow modification to the LDGMA parking location requirement to allow parking (two spaces for a single-family home or three spaces for a two-family home) between the street wall and the street line, to provide site planning flexibility when preserving DOS.

The proposed regulations would allow for the modification of curb cut and parking location rules for lots with steep slopes in SHNAD to allow more flexible site design and in order to avoid disturbance to slopes or other sensitive natural features. Existing SHPD rules allow parking in the front yard for all sites, and this would be expanded to the SHNAD, and a new option would be available to place parking parallel to the street on certain sites, both of which could minimize disturbance to steep slopes and other natural features. Within SHNAD, the proposed rules would allow sensitive sites with steep slope to locate parking spaces in the unimproved portion of a mapped street to reduce encroachment under certain circumstances.

In SSRDD, the proposed rules would maintain restrictions to additional curb cuts along designated arterial streets. In general, curb cuts would not be permitted for lots with access to a non-arterial street. For lots with access only to an arterial street, only one curb cut would be permitted. Additional curb cuts may be approved by the CPC Chair. In the existing SSRDD and SHPD, a commercial, community facility, or manufacturing development that provides more than 30 parking spaces requires a CPC authorization. Under the proposed rules, the CPC would review parking circulation and vehicular access and egress in relation to Plan Review Sites over 1 acre in size, and the existing CPC authorization for parking over 30 spaces would be eliminated.

The proposal would continue to maintain the inapplicability of the parking waiver (ZR Section 25-231) in SSRDD.

Special Rules for Plan Review Sites

In SHNAD and SSRDD, most Plan Review Sites over 1 acre would be required to seek CPC review for any proposed development, enlargement, site alteration, or subdivision. Plan Review Sites with areas required to be preserved as natural habitat or Area of No Disturbance may apply for authorizations to modify permitted residential building types or bulk regulations to better preserve natural features and maintain floor area.

Developments that require new or extended private roads would be subject to CPC review, and requirements may be modified pursuant to CPC authorization to preserve natural features, blend with neighborhood character, and meet special district goals.

Certain Plan Review Sites, that are not subject to habitat preservation or Area of No Disturbance requirements, would be exempt from discretionary CPC review where proposed developments, minor enlargements, or site alterations do not exceed certain thresholds.

Certifications

Within SSRDD, the proposal would maintain the existing school seat certification, waterfront esplanade certification, and the certification for affordable independent residences for seniors in Subarea SH. The certification for public pedestrian ways in DOS would be applicable to Plan Review Sites and would be shifted from the full CPC to the CPC Chair. Certifications for lots with active recreational facilities would be shifted from the full CPC to the CPC Chair. A certification for development on a lot with DOS and a certification to allow fences in DOS are proposed to be eliminated because the certification process can be avoided through clear as-of-right regulations. CPC certifications for additional curb cuts along arterial streets would be shifted from the full CPC to the CPC Chair.

Certifications for future subdivisions for any non-Plan Review Sites would be eliminated in SHNAD and SSRDD.

In both SHNAD and SSRDD, minor enlargements, site alterations, or developments on Plan Review Sites that meet certain proposed thresholds would not require CPC discretionary review and would require a CPC certification or ministerial review.

Appendix A contains a complete list of certifications that would be eliminated or modified under the Proposed Actions.

Authorizations

Where a certification is inapplicable to a Plan Review Site, any proposed development, enlargement, site alteration, or subdivision would be required to apply for CPC authorization.

Permission to proceed, if granted, would be based on to what extent the project meets standards established under the proposed regulations, including that the site plan demonstrates an amount of significant natural features is preserved as habitat preservation area or Area of No Disturbance; vehicular and pedestrian circulation on the site is well designed and integrated with the surrounding road network; and it preserves the goals of SHNAD or SSRDD and maintains neighborhood character.

To facilitate site design that better protects natural features, the CPC could authorize clustering of development by modifying the permitted residential building types, such as allowing semi-detached residences where normally only detached residences would be allowed, provided that the project is well integrated into the existing character of the surrounding area and preserves natural features. The CPC would also be able to modify bulk regulations to achieve the same purpose of clustering of development to preserve natural features on the site. For projects

requiring a private road or open parking areas, the CPC would review parking circulation and vehicular access and egress.

Non-plan review sites or small sites have the option to seek a CPC authorization if unique topography or natural features require the modification of the regulations to achieve a feasible development scenario that meets the goals of the special district.

Some authorizations currently applicable in the existing SSRDD would continue to apply, including the authorization for affordable independent residences for seniors in Subarea SH and the authorization for residential uses in Subarea M. For sites in South Richmond where habitat preservation area and waterfront public access regulations overlap, the CPC would have the ability to modify waterfront public access requirements and site planning conflicts to achieve a balance between the goal for preservation and waterfront public access.

Appendix A contains a complete list of authorizations being eliminated or modified under the proposal.

Special Permits

The special permit in SSRDD to allow buildings or other structures higher than the four-story/50-foot height limit would continue to apply in this district.

The proposal would eliminate existing special permits applicable for sites with DOS in SSRDD that currently permit adjustment of a DOS boundary, permit community facility buildings or treatment plants in DOS, and permit building encroachment into DOS. Any proposed modifications to DOS would be permitted through a zoning text amendment.

The existing special permit which allows sites with substantial amount of DOS to be counted as lot area for bulk computations would be eliminated, so that all sites with DOS may utilize bulk modifications and flexible site planning as provided within ZR Section 107-225.

Appendix A contains a complete list of special permits being eliminated or modified under the proposal.

LDGMA Ground Floor Use in C1, C2, C4

The proposal would clarify the intent of ZR Section 32-433, which allows for residential uses along secondary or tertiary streets in C1, C2, and C4 commercial districts of Staten Island by amending a provision in ZR Section 32-11.

Cross Access Connections

The proposed rules do not change the zoning districts for which cross access connections are required. The proposed requirements would be clarified and allow cross access to be provided as-of-right. For sites requiring CPC review for other land use actions, the location of proposed cross access connections would also be subject to review.

The current rules require a cross access connection along every lot line. To reduce redundancy of connections and to avoid creating unforeseen travel routes, the proposed rules would require only one connection to each adjacent lot fronting the same street or an intersecting street.

The proposed rules would promote more potential cross access connections where under current rules they may be waived. Considering that impediments to potential cross access connections may not be a concern for adjacent properties if those are redeveloped in the future, the proposed rules would allow for cross access connections even with the existence of a building on the adjacent property within 50 feet, or if there is an excess of 15 percent grade change. The proposed rules would clarify a threshold for the preservation of existing trees to waive a potential cross access connection, so that a single tree would no longer necessarily impede the creation of a connection.

Because pedestrian cross access connections are more feasible than vehicular connections in some development scenarios, the proposed rules would allow for pedestrian-only connections in certain instances where vehicular connections are not feasible.

To align with the original intent of when cross access rules are applicable, the proposed applicability of the rules would be modified to retail and big-box commercial uses.

Certifications for Cross Access Connections

A CPC Chair certification to certify that a proposed potential or completed cross access connection meets rules would be eliminated, and these projects that follow the requirements could proceed to DOB. Current CPC Chair certifications to voluntarily create a connection or relocate a previous connection would be eliminated because any connection that meets rules could be completed as-of-right.

If no cross access can be created due to physical circumstances such as the existence of wetlands, steep slope, or a significant number and caliper of trees, the applicant would seek a certification from the DOB commissioner that no cross access is required. If the cross access connection is blocked by a building within the subject zoning lot or property, a Chair certification would be needed to certify that a cross access connection is not required.

Authorizations for Cross Access Connections

The existing authorization to waive or modify cross access rules due to an irregular lot or infeasible site plan would remain. Such authorization would be further amended to specifically also allow an alternative cross access connection that does not meet the rules, as long as the Commission finds that the vehicles can maneuver safely between the parking lots, and such cross access connections are adequately located so as not to impair ingress, egress, and circulation.

F. Analytic Framework

Consistent with *CEQR Technical Manual* guidelines, the Proposed Actions are analyzed in this RWCDs as a “generic action” because there are no known developments that are projected at this time. According to the *CEQR Technical Manual*, generic actions are programs and plans

that have wide application or affect a range of future alternative policies; and for such actions, a site-specific description or analysis is not appropriate. As described in the *CEQR Technical Manual*, generic analyses are conducted using the following methodology:

- Identify *Typical Cases*: provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.
- Identify a *Range of Conditions*: A discussion of the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

Due to the broad applicability of the Proposed Actions, it is difficult to predict the sites where development would be facilitated by the Proposed Actions. In addition, the proposal is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Actions. Although the proposal may change the proportion of sites proceeding as-of-right, the overall amount, type, and location of development within the affected area is not anticipated to change. Owing to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of a RWCDs. To produce a reasonable analysis of the likely effects of the Proposed Actions, 15 representative prototypical developments have been identified to demonstrate the wide range of proposed regulations for sites that would either be able to develop as-of-right or require a Plan Review Certification in the future. These sites will assess the effect of changes to proposed regulations (including elimination of existing discretionary actions), in which the development would proceed as-of-right in the future With Action scenario. Conceptual analysis sites were identified for those sites where development would require discretionary action in the future With Action scenario. This Conceptual analysis will serve as a means of disclosing the potential impacts of the proposed discretionary actions for Plan Review Sites, which would be subject to new or different future environmental review under the Proposed Actions.

Development affected by the proposal is projected based on trends between 2006 and 2015. The development assumptions in the future with and without the proposed action mirror recent historical development patterns. In the 10 years from 2006 to 2015, there were a total of 2,717 new housing units constructed within the three special districts – 375 new units in SHPD and SNAD and 2,342 new units in SSRDD. This rate of housing development is similar to the rate outside the special districts in Staten Island, which is 4 percent. The Proposed Actions are not expected to change the rate of growth, which is controlled primarily by the supply of developable land and by the local supply of skilled professionals in the construction industry.

1. Prototypical Analysis Sites

To assess the possible effects of the Proposed Actions, a RWCDs was developed for the Future Without the Proposed Actions (No Action scenario), and the Future With the Proposed Actions (With Action scenario) for a 10-year period. The incremental difference between the No Action and With Action scenarios is the basis for assessing the potential environmental impacts of the Proposed Actions.

To determine the No Action and With Action scenarios, standard methodologies have been used pursuant to the *CEQR Technical Manual*. These methodologies have been used to identify the amount and location of future development, as discussed below.

The Proposed Actions would affect 18 zoning districts located within three existing special districts (SHPD, SNAD, SSRDD). Table 7 illustrates the sites selected as prototypes for environmental analysis for the No Action and With Action scenarios.

The characteristics listed below were analyzed to determine the combination of zoning district, current special district, and proposed ecological area designations to create hypothetical sites where the effects of the proposed regulations could be assessed (Prototypical Sites). These sites are not necessarily representative of a specific lot, but rather reflect prevalent conditions as a basis for analysis. These prototypical sites were then analyzed for representative recent development trends to determine the development scenario to be assessed. To assess the effect of the Proposed Actions, the characteristics considered in identifying the prototypical sites are described below:

Range of Zoning Districts and Representative Developmental Typologies

- The total number of lots included within each of the zoning districts and their corresponding prevalence within the existing special districts and proposed ecological areas in which they would occur;
- The percentage of unbuilt lots within a given zoning district and corresponding special district was used to approximate the areas where future development is most likely to occur;
- Zoning districts that permit a reasonable range of building typologies and development scenarios were selected; and
- Building permits issued by DOB between 2006 and 2015 were analyzed to estimate development prevalence by zoning district.

Lot Characteristics

- The median lot area, width, and depth of all unbuilt lots within a selected prototype zoning district and ecological area.
- Based on the existing special district and proposed ecological area of the site, characteristics of natural features were established based on a range of criteria, including visual assessment of characteristics of vacant sites within a given geography, site surveys of recent applications before DCP, and aerial and street view imagery; and
- As defined by the proposed zoning framework, lots within the Escarpment subareas are characterized by a greater presence of sensitive natural features. Therefore, the base conditions for prototypical analysis sites within these areas contain a greater number of trees and greater topographic variation.

Typologies and Characteristics

Consideration of the development typology, including size and location of buildings, layout of required parking, and front and rear yard amenity, was determined through:

- The review of recent applications before DCP within the existing special districts;
- Analysis indicating the median lot coverage, floor area, and building height throughout various neighborhoods within the existing special districts; and
- The use of aerial and street view photography.

Table 7: Prototypical Analysis Site Selection

ID	Zoning District	Current Special District	Proposed Ecological Area	Typology (1F= one-family; 2F = two family)	Lot Area (square feet)	Width (feet)	Depth (feet)
1	R3A	SHPD	Non-Escarpment	2F Detached	4,000	40	100
2	R2	SHPD	Escarpment	1F Detached	6,325	55	15
3	R1-2	SNAD	Non-Escarpment	1F Detached (enlargement)	6,000	60	100
4	R3X	SSRDD	n/a	2F Detached	5,000	50	100
5	R3X / C1-1	SSRDD	n/a	General Retail	42,000	210	200
6	R5	SHPD	Non-Escarpment	1F Attached	2,500	25	100
7	R1-1	SNAD	Escarpment	1F Detached (subdivision)	39,000	300	130
8	R2	SHPD	Non-Escarpment	1F Detached	4,500	45	100
9	R3X	SHPD	Non-Escarpment	Mixed Use (CF and R)	6,000	60	100
10	R3X/ C1-2	SHPD	Non-Escarpment	General Retail	25,000	200	125
11	R3X	SSRDD	n/a	2F Detached (subdivision)	18,750	150	100 - 150 (irregular)
12	R3X	SSRDD	n/a	2F Detached (subdivision)	15,000	150	100
13	C4-1 or C8 or M	n/a	n/a	Scenario A: Retail and Office Uses (Use Groups 6a and 6b, respectively) Scenario B: Retail Uses (Use Group 6a)	n/a	n/a	n/a

ID	Zoning District	Current Special District	Proposed Ecological Area	Typology (1F= one-family; 2F = two family)	Lot Area (square feet)	Width (feet)	Depth (feet)
14	R1-1	SNAD	Non-Escarpment	CF (expansion)	360,000	400	800
15	R3X	SSRDD	n/a	2F Detached (subdivision)	55,000	200	400

No Action Scenario

For the purpose of the No Action scenario, it is assumed that each prototype would develop the largest as-of-right building permitted under the existing zoning, as shown in Table 8. This provides a baseline for analysis of the effect of the Proposed Actions. However, the existing special districts include various discretionary actions that are required for the alteration or modification of natural features outside of the construction zone (15 feet in SHPD and SNAD and 8 feet in SSRDD) for each building. Therefore, amenities located outside of the construction zone that often require CPC authorization are not assumed to be granted in the as-of-right No Action scenario. Additionally, sites within the existing SNAD and SHPD may demonstrate a No Action scenario in which there is no feasible as-of-right development because any development on a lot containing only steep slope requires CPC authorization. The No Action scenario may include Chair or CPC certifications, as these actions are considered ministerial in nature. If the site meets the criteria for the certification, the analysis assumes that the certification would be granted under the No Action scenario.

Table 8: Prototypical Analysis Site Incremental Floor Area (in square feet)

ID	Zoning District	Current Special District	Proposed Ecological Area	No Action Scenario Floor Area	With Action Scenario Floor Area	Incremental Floor Area
1	R3A	SHPD	Non-Escarpment	2,400	2,400	0
2	R2	SHPD	Escarpment	0	2,850	+2,850
3	R1-2	SNAD	Non-Escarpment	3,000	3,000	0
4	R3X	SSRDD	n/a	3,000	3,000	0
5	R3X / C1-1	SSRDD	n/a	4,500	10,692	+6,192
6	R5	SHPD	Non-Escarpment	3,125	3,125	0
7	R1-1	SNAD	Escarpment	0	17,508	+17,508
8	R2	SHPD	Non-Escarpment	2,250	2,250	0
9	R3X	SHPD	Non-Escarpment	0	3,600	+3,600
10	R3X / C1-2	SHPD	Non-Escarpment	8,700	11,100	+2,400

ID	Zoning District	Current Special District	Proposed Ecological Area	No Action Scenario Floor Area	With Action Scenario Floor Area	Incremental Floor Area
11	R3X	SSRDD	n/a	11,250	11,250	0
12	R3X	SSRDD	n/a	9,000	9,000	0
13	C4-1 or C8 or M	n/a	n/a	n/a	n/a	n/a
14	R1-1	SNAD	Non-Escarpment	74,400	74,400	0
15	R3X	SSRDD	n/a	33,000	33,000	0

With Action Scenario

For the purpose of this analysis, it is assumed that, in the With Action scenario, prototypes would develop to the greatest extent possible by maximizing floor area, lot coverage, and hard surface area on each site, as shown in Table 1-8. Unless otherwise noted, this includes that the greatest degree of accessory parking and front and rear yard amenities (patios, decks, swimming pools) would be developed on each site that could occur on an as-of-right basis under the Proposed Actions.

Because the proposed special district substantially changes the methods and regulations for trees and development within areas of steep slope, to better encourage the preservation of existing trees and minimize impacts in areas of steep slope, the location of large caliper trees and other natural features is also considered in determining the location and size of the proposed buildings and yard amenities. Within the RWCDs this may result in buildings that do not fully maximize the development potential in some cases because the alteration of additional natural features may lead to a development scenario that is not aligned with development trends in the area.

2. Conceptual Analysis

Because the Proposed Actions would create new discretionary actions to be considered by the CPC, an assessment of the potential environmental impacts that could result from these actions within the proposed special district is warranted. However, because it is not possible to predict whether a discretionary action would be pursued on any one site in the future, the RWCDs for the Proposed Actions does not include consideration of specific development that would seek these actions. Instead, a conceptual analysis will be provided to understand how the new discretionary actions could be utilized and to generically assess the potential environmental impacts that could result. However, all potential significant adverse impacts related to these future discretionary actions would be disclosed through environmental review at the time of application. These scenarios shall include, but are not limited to:

- Development on sites greater than 1 acre in lot area (residential and commercial development) that will be subject to preservation area requirements of the proposed special district if there is existing habitat on site;

- The subdivision of an existing zoning lot that will result in the creation of four or more new zoning lots in the Escarpment Area;
- Modification of bulk requirement and grading controls on a constrained site; and
- The development of a residential private road.

3. Analysis Year

The *CEQR Technical Manual* notes that, for some actions where the build-out depends on market conditions and other variables, the build year cannot be determined with precision. In these cases, a 10-year build year is generally considered reasonable because it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development may usually be made without speculation. Therefore, an analysis year of 2030 was identified for this environmental review.

4. Environmental Impact Statement

The RWCDs associated with the Proposed Actions was found to have the potential for significant adverse impacts in several areas. Therefore, pursuant to the CEQR Environmental Assessment Statement (EAS) and Positive Declaration, a targeted EIS pursuant to CEQR will be prepared for the Proposed Actions. The EIS will analyze the proposed development for all technical areas of concern.

G. Draft EIS Scope of Work

As detailed in Part II, “Technical Analyses” of the EAS for the Proposed Actions, dated October 15, 2020, the Proposed Actions do not trigger a detailed analysis of socioeconomic conditions, community facilities, open space, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, greenhouse gas emissions and climate change, noise, or construction. In addition, although the Proposed Actions are not expected to result in significant adverse impacts to land use, zoning and public policy; or natural resources, this draft scope of work assumes that those two areas will be examined further in the EIS to determine whether there is the potential for impacts.

The Proposed Actions were determined to have the potential for significant adverse impacts in the areas of shadows, historic and cultural resources, hazardous materials and air quality; and may therefore have the potential for adverse impacts to urban design and visual resources, neighborhood character, as well as public health. In addition, because the Proposed Actions would create new discretionary actions, the EIS will analyze series of conceptual analysis sites to generically assess the potential environmental impacts that could result from such actions.

As described in greater detail below, the EIS will contain:

- A description of the Proposed Actions and the RWCDs, as well as the environmental setting;

- An analysis of the potential for significant adverse environmental impacts to result from the Proposed Actions;
- A description of practicable mitigation measures that could eliminate or minimize any significant adverse environmental impacts disclosed in the EIS;
- An identification of any significant adverse environmental effects that cannot be avoided if the Proposed Actions are implemented;
- A discussion of alternatives to the Proposed Actions; and
- A discussion of any irreversible and irretrievable commitments of resources that could result from the Proposed Actions.

1. Description of the Proposed Actions and Analytical Framework

This chapter will introduce the reader to the Proposed Actions and provide the action data that are used to assess impacts. The chapter will contain a brief description of the uses in the affected area; the RWCDS; and a discussion of the approvals required, procedures to be followed, and a description of the No Action scenario.

The chapter will include appropriate data from the ULURP application and drawings. The role of the lead agency for CEQR and the environmental review process to aid in decision making also will be described.

The analysis framework will be discussed in the first chapter of the EIS and set the regulatory context for the EIS (e.g., ULURP and CEQR—their timing, public review, hearings), and then explain the basic approach to the technical chapters—that each chapter will address existing conditions, a future analysis year without the Proposed Actions, and that future analysis year with the Proposed Actions; that any significant adverse environmental impacts will be identified comparing the With Action scenario to the No Action scenario; that mitigation will be proposed for identified significant adverse environmental impacts; and that practicable alternatives that meet the goals of the Proposed Actions but reduce or eliminate identified impacts will be considered. As part of this discussion, the rationale for the future analysis year will be presented. In addition, this chapter will present an analysis year and qualitative construction scenario for the RWCDS.

2. Land Use, Zoning, and Public Policy

A land use analysis characterizes the uses and development trends in the area that may be affected by a proposed action and determines whether a proposed action is either compatible with those conditions or whether it may affect them. Similarly, the analysis considers the action's compliance with, and effect on, the area's zoning and other applicable public policies. This chapter will analyze the potential impacts of the Proposed Actions on land use, zoning, and public policy, pursuant to the methodologies presented in the *CEQR Technical Manual*. The EIS will also include analysis of the City's Waterfront Revitalization Program (WRP) and completion of the 2016 WRP Consistency Assessment Form. Consistent with the analytical framework described above, the EIS will consider the Proposed Actions' potential to adversely affect land

use, zoning, and public policy by assessing prototypical analysis sites, employing a qualitative non-site-specific approach.

3. Shadows

The *CEQR Technical Manual* requires a preliminary shadows screening assessment for a proposed action that would result in new structures or additions to existing structures greater than 50 feet in incremental height or adjacent to or across the street from sunlight-sensitive resources. Such resources include publicly accessible open spaces, important sunlight-sensitive natural features, or historic resources with sun-sensitive features. The Proposed Actions, compared to what is allowed under current zoning regulations, have the potential to result in taller buildings, in some cases over 50 feet, that may cast shadows over publicly accessible open spaces, historic and cultural resources, and natural areas. It is not possible to evaluate the impacts of any specific development because the specific location of future development projects is unknown. Therefore, the EIS will include a shadow assessment of prototypical analysis sites to determine how action-generated shadows could potentially affect sunlight-sensitive resources. The shadow assessment would be coordinated with the open space, historic and cultural resources, and natural resources analyses and would be conducted in accordance with *CEQR Technical Manual* methodologies.

4. Historic and Cultural Resources

Historic and cultural resources include archaeological (buried) resources and architectural (historic standing structure) resources. The *CEQR Technical Manual* identifies historic and cultural resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. Historic and cultural resources include designated New York City Landmarks (NYCLs) and Historic Districts; properties calendared for consideration as NYCLs by the New York City Landmarks Preservation Commission (LPC) or determined eligible for NYCL designation (NYCL-eligible); properties listed on the State and National Register of Historic Places (S/NR) or formally determined eligible for S/NR listing (S/NR-eligible), or properties contained within a S/NR listed or eligible district; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHLs); and potential historic resources (i.e., properties not identified by one of the programs listed above, but that appear to meet their eligibility requirements). According to the *CEQR Technical Manual*, a historic and cultural resources assessment is warranted if there is the potential to affect either archaeological or architectural resources.

The Proposed Actions could result in new in-ground disturbance and would affect height and bulk controls in areas where historic architectural resources are present. Although it is not possible to evaluate the impacts of any specific development because the specific location of future development projects is unknown, the EIS will include a historic and cultural resources assessment to analyze the potential for significant adverse impacts based on prototypical analysis sites.

5. Urban Design and Visual Resources

An area's urban components and visual resources together define the look and character of the neighborhood. The urban design characteristics of a neighborhood encompass the various components of buildings and streets in the area, which include building bulk, use, and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. An area's visual resources are its unique or important public view corridors, vistas, or natural or built features. For CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include private residences or places of business.

It is not possible to evaluate the impacts of any specific development, because the specific location of future development projects is unknown. Therefore, consistent with the analytical framework described above, the EIS will consider the Proposed Actions' potential to adversely affect urban design and visual resources by assessing prototypical analysis sites using a qualitative, non-site-specific approach.

6. Natural Resources

The *CEQR Technical Manual* defines natural resources as water resources, including surface water bodies and groundwater; wetlands, including freshwater and tidal wetlands; terrestrial resources, such as grasslands and thickets; shoreline resources, such as beaches, dunes, and bluffs; gardens and other ornamental landscaping; and natural resources that may be associated with built resources, such as old piers and other waterfront structures. The Proposed Actions would result in zoning text and map amendments specifically intended to address sites containing, or located in proximity, to natural resources. The EIS will provide a natural resources assessment. Because the specific location of future development projects is unknown, the natural resources assessment will be based on prototypical analysis sites.

7. Hazardous Materials

A hazardous materials assessment determines whether a proposed action may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site, and the action would increase pathways to human or environmental exposures; (b) an action would introduce new activities or processes using hazardous materials, and the risk of human or environmental exposure is increased; or (c) the action would introduce a population to potential human or environmental exposure from offsite sources.

The Proposed Actions could result in ground disturbance in areas where hazardous materials may be present. Consistent with the analytical framework described above, the EIS will consider the Proposed Actions' potential to result in adverse impacts related to hazardous materials by assessing prototypical analysis sites.

8. Air Quality

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as “mobile sources,” by fixed facilities, usually referenced as “stationary sources;” or by a combination of both. Under CEQR, an air quality analysis determines whether a proposed action would result in stationary or mobile sources of pollutant emissions that could have a significant adverse impact on ambient air quality and considers the potential of existing sources of air pollution to impact the proposed uses.

As detailed in Part II, “Technical Analyses” of the EAS, mobile source and stationary source screenings screening analyses demonstrate that the Proposed Actions would not have significant adverse effects on air quality due to mobile sources or industrial sources. The heating/hot water, ventilation, and air conditioning (HVAC) screening results indicate that the majority of prototypical analysis sites would not have an adverse impact and do not require further study. However, four prototypical analysis sites (sites 5, 7, 11 and 12) require additional screening and/or detailed analyses to rule out the potential for significant adverse HVAC impacts. In addition, a detailed stationary source analysis is warranted for one large emission source, the Staten Island University South Campus located in the SSRDD. Consistent with the analytical framework described above, these additional stationary source screenings and/or detailed analyses will be provided in the EIS.

9. Public Health

According to the *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability and premature death; and reducing inequalities in health status. A public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise.

Consistent with the analytical framework described above, the EIS will consider the Proposed Actions’ potential to adversely affect public health by assessing prototypical analysis sites.

10. Neighborhood Character

The *CEQR Technical Manual* defines neighborhood character as an amalgam of the various elements that give neighborhoods their distinct personality. These elements can include land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation and noise, but not all these elements contribute to neighborhood character in all cases. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context.

According to the *CEQR Technical Manual*, an assessment of neighborhood character may be appropriate if a proposed action impacts any of those individual elements within a neighborhood. It is also possible that several moderate changes in the elements that contribute to a neighborhood’s character could lead to a significant impact on neighborhood character.

Generally, neighborhood character impacts are rare, and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects to the neighborhood would result in an impact to neighborhood character. Moreover, a significant impact identified in one of the technical areas that contribute to a neighborhood's character is not automatically equivalent to a significant impact on neighborhood character, but rather serves as an indication that neighborhood character should be examined.

Methodologies outlined in the *CEQR Technical Manual* will be used to provide an assessment of neighborhood character. Consistent with the analytical framework described above, the EIS will consider the Proposed Actions' potential to adversely affect neighborhood character by assessing prototypical analysis sites using a qualitative non-site-specific approach.

11. Mitigation

Where significant adverse impacts have been identified in the analyses discussed above, measures will be described to mitigate those impacts. Where impacts cannot be mitigated, they will be identified as unavoidable adverse impacts.

12. Alternatives

CEQR requires an analysis of a No Action Alternative (without the Proposed Actions), which in this case assumes that the zoning text and map amendments would not be implemented. Additional alternatives and variations of the Proposed Actions will be identified based on any significant adverse impacts identified in the EIS. Other alternatives to be analyzed would include an alternative or alternatives to reduce or avoid any significant adverse impacts of the proposed project. The analysis of each alternative will be qualitative, except where quantitative impacts of the project have been identified.

13. Conceptual Development

Because the Proposed Actions would create new, discretionary actions to be considered by the CPC, an assessment of the potential environmental impacts that could result from these actions is needed. However, because it is not possible to predict whether a discretionary action would be pursued on any one site in the future, the RWCDs for the Proposed Actions does not consider specific developments. Instead, a conceptual analysis will evaluate the new, discretionary actions that could be used to generically assess the potential environmental impacts.

14. Summary Chapters

Several summary chapters will be prepared, focusing on various aspects of the EIS, as set forth in the regulations and the *CEQR Technical Manual*. Chapters are as follows:

- Executive Summary. Once the EIS technical sections have been prepared, a concise executive summary will be drafted. The executive summary will incorporate relevant

material from the body of the EIS to describe the Proposed Actions, their environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Actions.

- Unavoidable Adverse Impacts. Those impacts, if any, that could not be avoided and could not be practicably mitigated, will be listed in this chapter.
- Growth-Inducing Aspects of the Proposed Project. This chapter will focus on whether the Proposed Actions have the potential to induce new development within the surrounding area.
- Irreversible and Irretrievable Commitments of Resources. This chapter will focus on those resources, such as energy and construction materials, that would be irretrievably committed through implementation of the Proposed Actions.

APPENDIX A

LAND USE ACTIONS

LAND USE ACTIONS

All Special Districts Land Use Actions - Existing and Proposed				
Current Special District	Existing ZR Section	ZR Section Name	Proposal: Eliminate/Modify/Maintain	Proposed Applicability
Special Hillside Preservation District (SHPD)	CERTIFICATIONS			
	119-04	Future Subdivision	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	119-40	Compliance	Eliminate	
	AUTHORIZATIONS			
	119-311	Authorization of a development, enlargement or site alteration on a zoning lot or portion of a zoning lot having a steep slope or steep slope buffer	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	119-312	Authorization of certain uses within the SHPD	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	119-313	Modification of landscaping, tree preservation and tree planting requirements	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	119-314	Modification of lot coverage controls	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	119-315	Modification of height and setback regulations	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	119-316	Modification of grading controls	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
119-317	Modification of requirements for private roads and driveways	Maintain	New private road will be a Plan Review Site requiring authorization	

Special Hillside Preservation District (SHPD)	Existing ZR Section	ZR Section Name	Proposal: Eliminate/Modify/Maintain	Proposed Applicability	
	119-318	Modification of certain bulk regulations	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization	
	119-319	Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks	Eliminate	DPR properties and DEP Bluebelt not subject to Special District regulations	
	SPECIAL PERMITS				
119-321	Modification of Use Regulations		Modify	Authorization for Plan Review Sites	
Special Natural Area District (SNAD)	CERTIFICATIONS				
	105-41	Certification (that no authorization or special permit is required)		Eliminate	
	105-45	Certification of Restoration Plans		Eliminate	As-of-right provisions
	105-90	Future Subdivision		Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	AUTHORIZATIONS				
	105-421	Modification of topographic features on Tier I sites		Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	105-422	Authorization of a development, enlargement or site Alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer		Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	105-423	Relocation of erratic boulders		Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization
	105-424	Alteration of rock outcrops		Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization

Special Natural Area District (SNAD)	Existing ZR Section	ZR Section Name	Proposal: Eliminate/Modify/Maintain	Proposed Applicability	
	105-425	Modification of botanic environment and tree preservation and planting requirements	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization	
	105-426	Alteration of aquatic features	Modify	As-of-right provisions complement DEC freshwater wetland regulations; Authorization for all aquatic features on Plan Review Sites	
	105-431	Modification of lot coverage controls	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization	
	105-432	Modification of yard, height and setback regulations, and parking location regulations	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization	
	105-433	Modification of grading controls	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization	
	105-434	Modification of requirements for private roads and driveways	Maintain	New private road will be a Plan Review Site requiring authorization	
	105-91	Special District Designation on Public Parks	Eliminate	DPR and DEP Bluebelt not subject to Special District regulations	
	SPECIAL PERMITS				
	105-441	Modification of use regulations	Modify	Authorization for Plan Review Sites	
105-442	Natural area dedicated for public use	Maintain			

Special South Richmond Development District (SSRDD)	Existing ZR Section	ZR Section Name	Proposal: Eliminate/ Modify/ Maintain	Proposed Applicability	
	CERTIFICATIONS				
	107-02	General Provisions Development within areas D, F, or K' As indicated on the District Plan.	Eliminate		
	107-08	Future Subdivision	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization	
	107-121	Public schools	Maintain		
	107-22	Designated Open Space	Maintain	As of right provisions, and minor text amendment to DOS text map	
	107-222	Public pedestrian ways	Modify	Applicable for Plan Review Sites	
	107-23	Waterfront Esplanade	Maintain		
	107-251	Special provisions for arterials	Modify	Access restrictions being modified	
	107-323	Substitution of other plant materials	Maintain		
107-467	Modifications of special yard regulations for certain zoning lots	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization		
AUTHORIZATIONS					
107-62	Modifications of special yard regulations for certain zoning lots	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization		
107-63	Minimum Distance between Buildings	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization		
107-64	Removal of Trees	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization		
107-65	Modifications of Existing Topography	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization		

Special South Richmond Development District (SSRDD)	Existing ZR Section	ZR Section Name	Proposal: Eliminate/Modify/Maintain	Proposed Applicability	
	107-661	Modifications of permitted obstructions	Eliminate	As-of-right provisions, except for Plan Review sites that will be an authorization	
	107-662	Modifications of required yards of building setbacks	Eliminate	As-of-right provisions, except for Plan Review sites that will be an authorization	
	107-671	Uses and Bulk Permitted in Certain Areas - In Areas F and K	Eliminate		
	107-672	Uses and Bulk Permitted in Certain Areas - In Area SH	Maintain		
	107-68	Modification of Group Parking Facility and Access Regulations	Eliminate	As-of-right provisions, except for Plan Review Sites that will be an authorization	
	107-69	Residential Uses in Area M	Maintain		
	SPECIAL PERMITS				
	107-72	Qualification of Designated Open Space as Lot Area	Eliminate	As-of-right provisions	
	107-73	Exceptions to Height Regulations	Maintain		
	107-74	Modifications of Permitted Use Regulations	Modify	Authorization for Plan Review Sites	
	107-75	Modification of Underlying R1-1 District Regulations	Modify	Authorization for Plan Review Sites	
	107-76	Boundary Adjustments in Designated Open Spaces	Eliminate	This action would be sought through a text amendment to the DOS text map	
	107-77	Community Facility Buildings or Treatment Plants Permitted in Designated Open Space	Eliminate	This action would be sought through a text amendment to the DOS text map	
107-78	Other Buildings Permitted in Designated Open Space	Eliminate	This action would be sought through a text amendment to the DOS text map		