

Special Natural Area District Update - Bronx

June 2019



The Department of City Planning (DCP) is working to modify the Special Natural Area District with the goal of creating stronger and more specific regulations that ensure predictable development, enhance the protection of natural features, and support neighborhood character and biodiversity. The special district was established in 1974 and expanded to the Bronx in 1975 with the intent of balancing development with the preservation of natural features.

The Challenge: The current system allows a property owner to remove or modify natural features through a site-by-site review by the City Planning Commission (CPC) without considering their relationship to the larger ecological context. It is a one-size fits all approach for parcels of all sizes, land use or type of natural feature. Over time, this has resulted in inconsistent application of the rules and created unnecessary cost and time burden, especially for small homeowners.

The Proposed Solution: Apply a streamlined, science-based approach to natural resource preservation, provide clear development standards, and produce better and more predictable outcomes. DCP convened a working group, including representatives from local institutions, homeowners, landscape architects, elected officials, local civics and environmental groups, and City agencies, to shape the proposal over the last three years.

Current Process: Seeking Relief from Rules

The current rules restrict any modification of natural features which forces property owners to seek relief from the district rules, but the special district doesn't limit how much relief may be granted. Also, nearly every project that impacts the land or adds development (either new construction or an enlargement) is required to come to DCP for an application to request relief from the rules. Most projects within the special district are home owners seeking to enlarge or add an amenity (typically a deck, swimming pool, driveway or patio).

The current process requires an owner to hire an architect and other professionals who work with DCP to produce an application, including a site survey, showing how the proposal would impact natural features beyond the rule. Properties in an historic district are also required to go to the Landmarks Preservation Commission (LPC). DCP and LPC coordinate review, but LPC review is a separate filing, review, and referral process. The amount of time required to prepare the City Planning application varies, but generally takes about seven months. Once complete, the application is referred to the community board for 60 days. Typically, this requires a presentation and Q and A at the community board which issues a recommendation on the application. After the community board referral, the application goes to the CPC for a vote. Assuming a positive vote by the CPC, the owner then records a legal document against the property for the approval before DCP sends an approval letter to Department of Buildings (DOB). The average time from the start of the process until completion of the legal documents is about 13 months. Upon completion of the special district process, the homeowner must then submit drawings showing compliance with building code, other zoning, etc., for DOB review and sign off. Only then can an owner start the work.

Proposed Process: Demonstrating Compliance

Under the proposed rules, all properties would remain regulated by the special natural resources district. On a small site (less than one acre), an owner who seeks an expansion, e.g., would have to show compliance with the special district rules as part of the DOB filing; a separate application to DCP would not be required. If the site is in an historic district, the owner would still need to meet LPC requirements. The owner would have a site survey done and engage an architect to produce drawings to demonstrate compliance with the special district rules to DOB. The special district drawings would be submitted to DOB along with the building plan drawings required to show compliance with building code, other zoning, etc. The DOB examiner would review the drawings together and upon DOB sign-off, the owner could start work. This is expected to save homeowners money and time (at least seven months) and would heighten DOB's awareness of the special district aspects of a project as DOB examiners would review special district rules as they review other site plan and building details.

Proposal: Historic Districts

Development within an historic district must balance the goals and requirements of the special district and historic district. To allow CPC and LPC to coordinate review, the special district proposal would require discretionary CPC review for all **subdivisions** and **new buildings** in historic districts regardless of lot size. Under the current rules, subdivisions are ministerial actions that provide limited opportunity for consideration of natural features; under the proposal, subdivisions within historic districts would require the owner to apply to DCP, and CPC must find that their proposal preserves natural features and meets certain conditions and findings.

Proposal: Natural Resources

By creating stricter special district zoning rules, the proposal would provide clarity and predictability – neighbors would know what to expect from one another, owners would understand what is permitted from the start, and the rules would be easier to enforce. The special district rules would create specific requirements for natural features and development, including lot coverage, hard surfaces, tree preservation and plantings, biodiversity, and preservation of rock outcroppings.

The proposed special district rules are based not just on site planning best practices that DCP has asked applicants to incorporate, but they also codify changes that the Community Board has requested as part of its review of projects over the past five years. These changes include reducing hardscape, avoiding steep slopes, and planting more trees, and creating a master plan for a large site:

The proposal would set stricter limits on **lot coverage** (maximum footprint of a home/building – typically max 25%) and add limits to **hard surfaces** (maximum combined total area of all hard surfaces on the site, e.g. home, pool, patio, driveway, etc. – typically max 50%. *Hard surfaces are not regulated directly under the current rules*). To meet these rules, the owner would need to show that the proposed total lot coverage and hard surfaces are within the permitted allowances – and demonstrate that other natural resource rules are met. These limits are strict but allow enjoyment of one's property while supporting natural resources on each site.

The proposed rules would require more **trees** be preserved or planted on each site and require some trees are in the front yard to maintain neighborhood character. To meet the tree rules, a homeowner would need to provide a drawing with a table identifying the trees on the site. This is usually based on a site survey. Based on the size of the lot, each site must provide a minimum number of trees *and* meet a minimum number of tree credits for the site (tree credits are related to a tree's size, and under the proposal, exponentially more credits would be given for larger trees to encourage their preservation). Additionally, the proposed rules offer a bonus for planting trees in groups to encourage canopy growth. For example, a 14,000-square-foot lot would have to provide at least 14 trees *and* 56 tree credits (therefore, to meet the tree credit requirement, the owner would need to retain larger trees or plant/retain more than 14 trees).

Biodiversity rules are being introduced to ensure a variety of plantings are maintained across the district in keeping with the existing character of Fieldston and Riverdale. To meet the biodiversity requirements, a proposed expansion or development would need to earn 4 “points” toward biodiversity. The owner would have options, but the simplest way an owner could meet these rules would be to provide a planted area equal to 2.5% of the lot per point. This would typically result in a 10% planted area on the site.

Rock outcroppings and the way they are incorporated into development are a defining feature of Fieldston and Riverdale. The proposed rock outcropping rules would set strict limits on the amount and location of rock outcropping disturbance. Rock outcroppings in the zoning front yard could be impacted only for access to the building – up to ten feet in width for a driveway, five feet for a walkway. To provide flexibility, the proposed rules would permit minor reductions in front yards and rear yards if needed to preserve rock outcrops and other natural features. If the proposed disturbance to rock outcroppings is greater than 400 square feet (in plan or elevation views), the owner would need to apply to CPC to make a case for the development.

Proposal: Large Sites ≥ 1 acre

Developments on large sites over one acre involve *choices* about which features to preserve and where to develop. These sites would require discretionary actions by the CPC to provide oversight and allow public input at the Community Board which can shape the proposal.

A key goal of the special districts update is to support biological diversity across the district. Ecological science reveals that a habitat of at least a quarter acre is needed to sustain diverse plants, insects, and animals. Therefore, residential developments on large sites would have to preserve 25% of the site and community facility developments would have to preserve 35% of the site. Community facilities would also be required to preserve an additional 15% of the site as open space, which could be used for recreation. These sites would require a natural resource assessment to help determine the area of preservation. The assessment would map out natural resources including trees, undergrowth, and proximity to adjacent habitat areas. The CPC would also consider slopes, rock outcrops, and neighboring uses when determining which areas should be developed and which should be kept in a natural state. These habitat areas would be preserved and maintained permanently and could only be modified by special permit if the CPC finds certain strict conditions are met. Habitat preservation areas on large sites together with the planted areas and natural features required on other sites would contribute significantly to biological diversity, open space, and the natural neighborhood character across the district.

Proposal: Campus Plans

Institutions play a significant role in shaping the neighborhood character of Riverdale. In addition, neighbors have sought ways to understand the long-term plans of institutions. Campuses typically exceed one-acre and thus are subject to large site rules described above. This proposal introduces a mechanism through which institutions could develop longer term, phased plans and garner public input to create an optimal site plan that would comply with the rules and goals of the special district. This alternative to multiple single-project applications would enable a more holistic planning approach, and would work as follows: an institution would propose a campus plan that shows preservation areas, open space areas, and development areas that are either well-defined or general. In order to seek a discretionary authorization with the CPC for the campus plan, the institution would submit an application which, when deemed complete, would be referred to the community board, enabling public input upfront. Campus plans would also require only one environmental review for the institution, covering multiple phases of development. When the institution is ready with a specific development plan on its campus, it would seek a simple ministerial certification to ensure that the development plan complies with the approved larger campus plan. Or if the plan is within one of the general development areas of the campus plan, the institution would be required to request a second discretionary action (authorization) for the limited portion of the site. The second discretionary action would also require public referral. Campus plans would help stakeholders understand development plans in the context of future options and reduce the incremental loss of natural features and open space on a site; they would also streamline review for institutions that are willing to plan into the future.

Proposal: Enforcement and Implementation

Enforcement and implementation of the special district rules are multifaceted. Success requires clear zoning rules, an empowered and knowledgeable enforcement agency, and awareness among homeowners.

DOB is the enforcement agency for all zoning regulations in NYC. The special district rules for small sites will be clear and follow a formula, allowing DOB to review and enforce the special district rules more strictly. With clear zoning rules, DOB reviewers and inspectors can more easily verify compliance on plans and in the field. Moreover, to support review and inspection of natural resource zoning rules, DOB is committed to updating compliance forms and checklists to include certain special district features. For its part, DCP will help create training documents for DOB plan examiners and site inspectors and create checklists for filing professionals.

The zoning rules include several requirements to support DOB review and enforcement of the special district rules. To support DOB site inspections, the zoning rules will require that a compliance report or log verifying construction controls are maintained on site each week that heavy construction equipment is present. DOB and builders are familiar with this report and this tool allows DOB inspectors to shut down construction on the spot if the log is not maintained or the controls are not followed. These new rules will emphasize continuous enforcement and oversight throughout the construction process.

The zoning text will require that no permanent certificate of occupancy or final sign-off shall be issued by DOB unless an inspection report is filed with DOB stating that the planting requirements have been met. This type of report is used elsewhere by DOB, and requires that a registered licensed professional attest to compliance of the final site plan.

DCP supports the initiative of the Riverdale Nature Preservancy to create special signage for the special district area. DCP will create a homeowner's guide to the special district rules with assistance from local stewardship groups. Further information will be available to the public on DOB's *Building on My Block*, a searchable online database organized by community district and searchable by address for easy reference. The database provides information on new buildings, major alterations, and full demolition applications filed with the Department.

Summary of proposed review

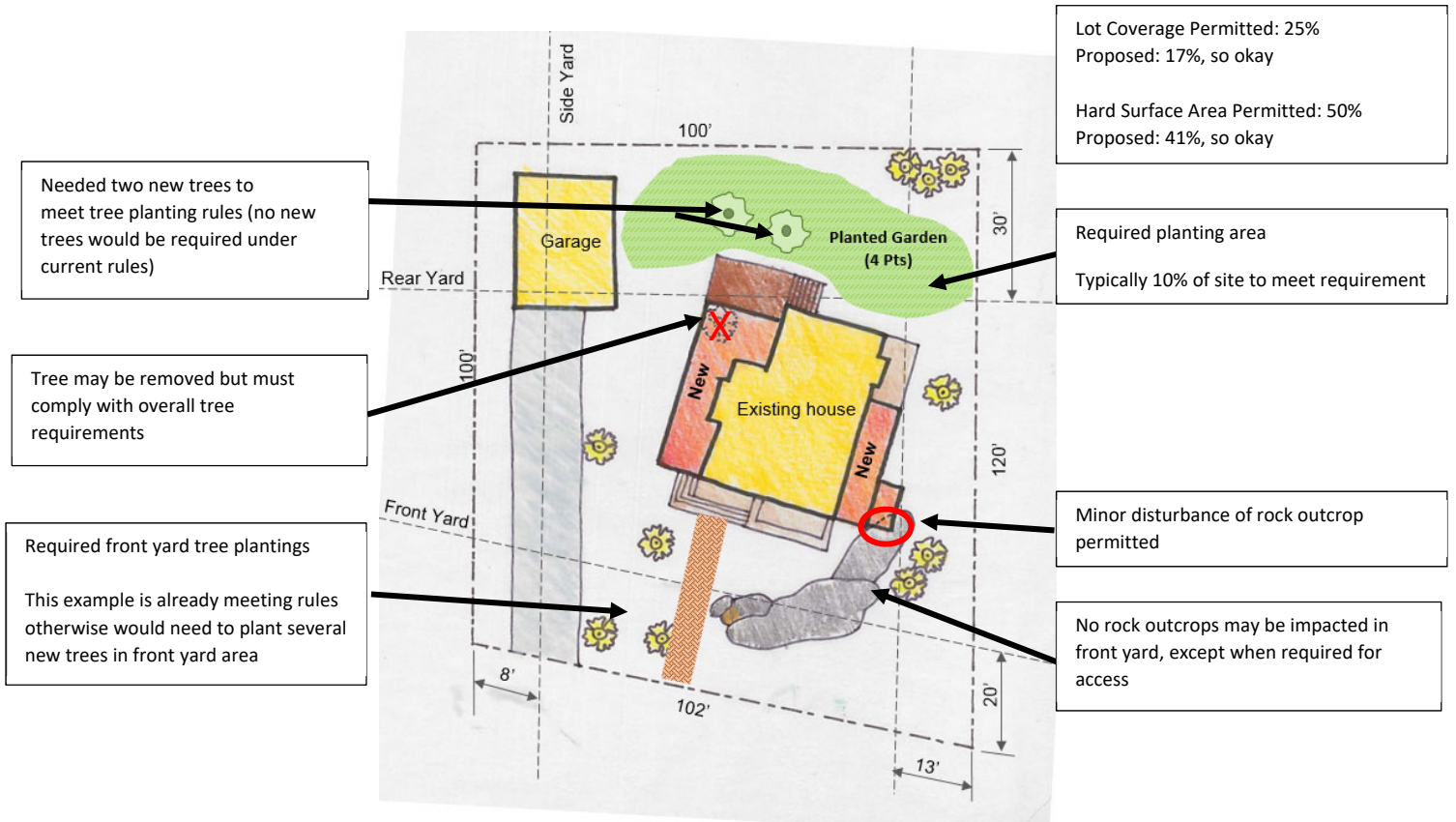
Under the proposed regulations, every project would have to demonstrate compliance with the special district rules. This is stricter than the current rules which generally exempt properties under 10,000 square feet that meet certain criteria. Following is a summary of proposed review required for sample proposals.

Sample proposals	Show compliance with special district rules	DCP/CPC review	CB referral	DOB review
Expansion of single-family home	•			•
New building in historic district	•	•	•	•
New building on small lot outside historic district	•			•
New building on large site (1 acre+)	•	•	•	•
Tree removal on small site	•			•
Subdivision in historic district	•	•	•	•
New swimming pool on small site	•			•
New campus plan	•	•	•	•

How many projects? Over the last five years, DCP reviewed an average of seven applications per year. Under the proposed rules, DCP expects about two-thirds of projects (four projects per year) would go directly to DOB and three projects would require application to DCP/CPC with Community Board referral.

Single-family example:

A typical example is a homeowner seeking an enlargement to an existing single-family home with site alterations to build a patio, front porch and new walkway to the home. A licensed professional would need to put together drawings and tables showing compliance with each of the rules in a filing to DOB. The following graphic shows the compliance requirements of a typical project. The application and drawings would need to show compliance with quantifiable standards and limits for each natural resource category.



Proposal: Improved Outcomes

The proposed special district regulations will result in improved outcomes:

- ✓ Clearer stricter rules mean more predictable outcomes – neighbors would know what to expect from one another, owners would understand what is permitted from the start, and the rules would be easier to enforce.
- ✓ Stronger rules but simpler review for most homeowners – save typical homeowner time and money
- ✓ Continued CPC and public oversight of development on large or sensitive sites
- ✓ Campus planning options that allow public input up front
- ✓ Coordinated review between LPC and CPC of new buildings and subdivisions in historic districts
- ✓ Preservation of habitat and open space on large sites
- ✓ Stricter outcomes-based requirements for trees, rock outcrops, plantings and steep slopes on all sites
- ✓ Strict limits on lot coverage and hard surfaces that guarantee adequate space for trees, planted areas, and storm water management
- ✓ Robust planting requirements that enhance the biodiversity and ecological health of the community
- ✓ Less disturbance of visible outcrops