



STATEN ISLAND/BRONX SPECIAL DISTRICTS UPDATE

Draft Proposal for Staten Island
November 2018



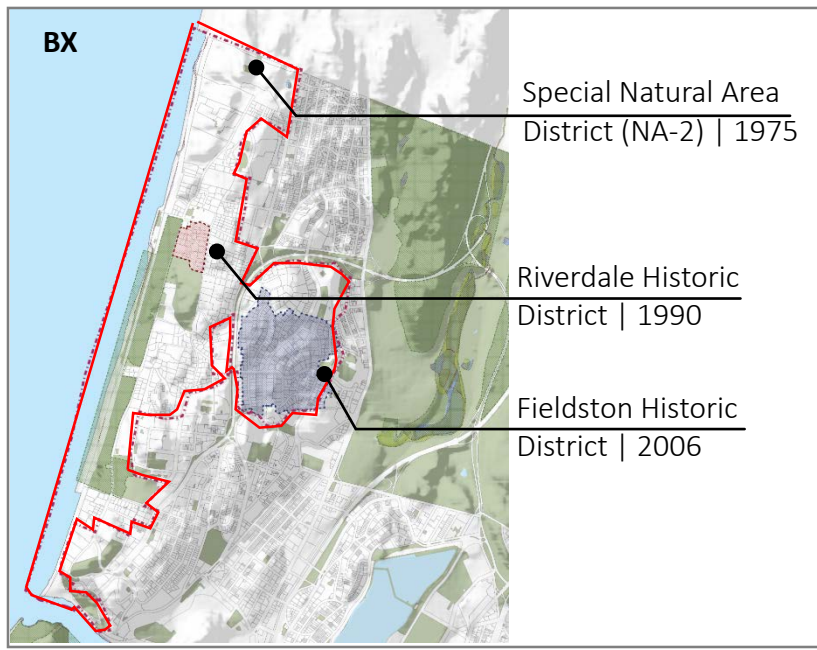
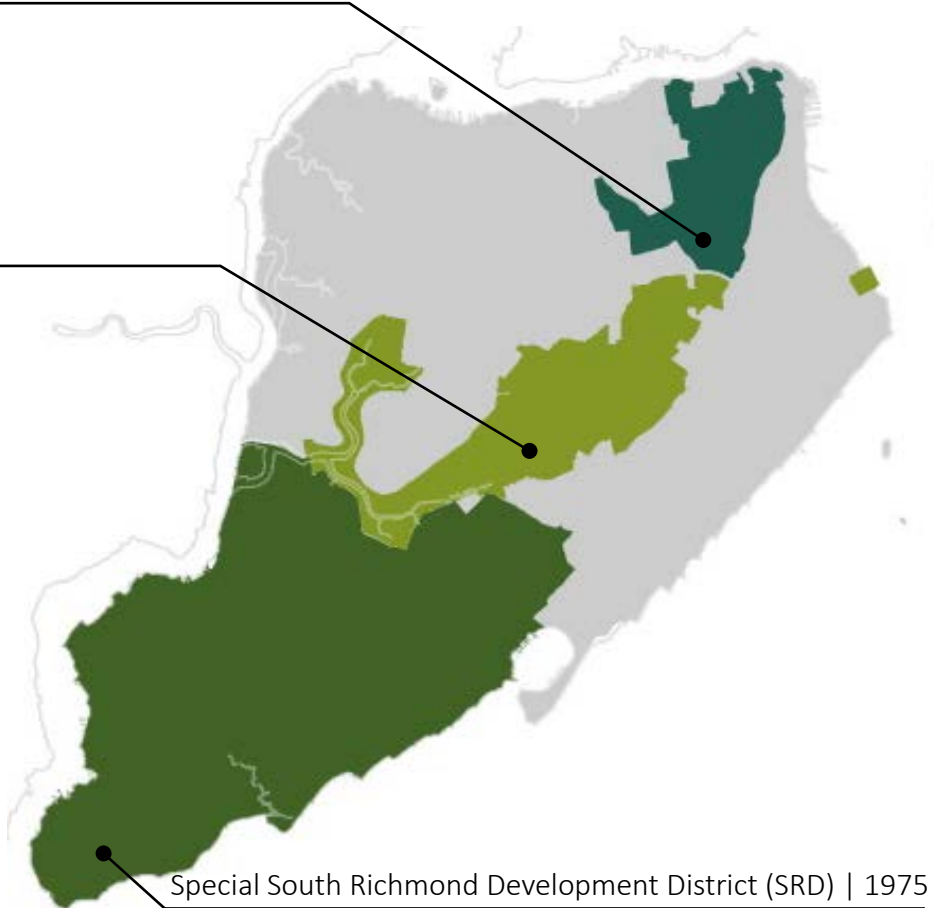
Staten Island Special District Boundaries – three districts

Special Hillside Preservation District (HS) | 1987

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

Special Natural Area District (SNAD) | 1974

- Todt Hill
- Emerson Hill
- Lighthouse Hill
- Shore Acres (NA-3, 1977)




Special South Richmond Development District (SRD) | 1975


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


Major Natural Assets In Staten Island





Special Districts are connected to and support the broader ecological assets across the borough


CLOVE LAKE 


BLOOD ROOT VALLEY 


HIGH ROCK 

LATOURETTE 

FRESHKILLS 

GREAT KILLS 

CLAY PIT PONDS 

WOLFE'S POND 



Goals of Staten Island's Three Special Districts

SHARED GOALS – **Special Hillside Preservation District** | **Special Natural Area District** | **Special South Richmond Development District**

Protect and enhance important natural habitats and recreational assets by better guiding development in consideration of natural features

Aquatic



Geologic



Botanic



Topographic





Goals of Staten Island's Three Special Districts

Enhance and protect the neighborhood character of the districts

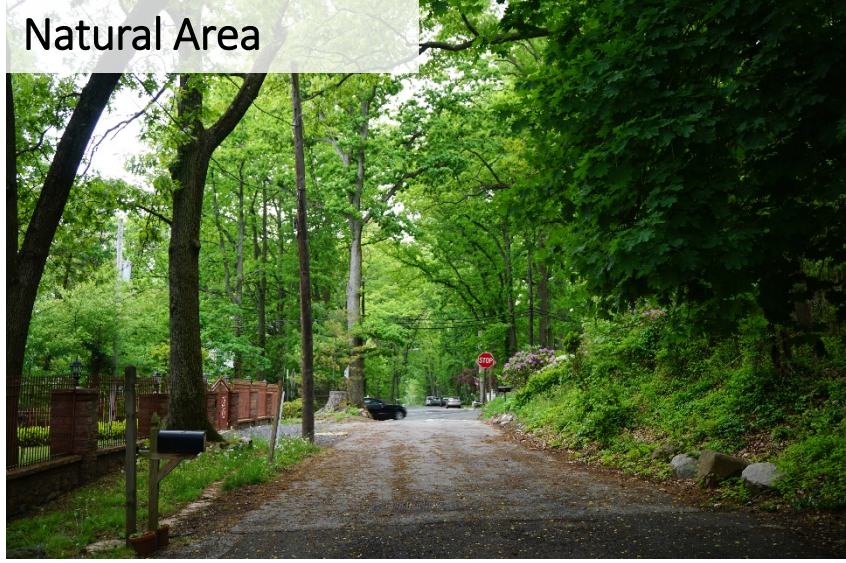
Hillsides



Natural Area



Natural Area



South Richmond





Variety of planting and ground cover in the front yard



Tree-lined neighborhoods

Why This Text Amendment Is Needed

Balancing the protection of New York City's natural habitats with appropriate development is a top priority for the Department of City Planning (DCP). In our experience reviewing applications over the past 40 years, hearing from stakeholders, and understanding the latest environmental science, we see the need to modernize the special districts to incorporate new information and codify best practices to ensure thoughtful development that preserves the most important natural resources and contributes to the community's character. Some specific issues are:

- Existing rules don't adequately consider the **broader ecological context** and allow a property owner to modify natural features through **site-by-site review by the CPC**
- Science and best practices around environmental protection have evolved since the Special District rules were adopted ~40 years ago, but **the rules have not been updated**
- Existing rules are unclear on which natural features to preserve and result in **unpredictable outcomes** for homeowners and the community
- Existing review process for development sites impose **significant time and cost burdens for homeowners** and other small property owners



Staten Island Community Input In Developing The Proposal

To create the proposal, DCP worked with stakeholders and conducted significant research since 2015

Working Groups meetings:

- 13 meetings between April 2015 and April 2018

Ongoing coordination with other agencies:

- Department of Buildings
- Department of Parks and Recreation’s Natural Resources Group
- Natural Area Conservancy
- Department of Environmental Conservation
- NYC Fire Department
- Department of Environmental Protection
- State Department of Environmental Conservation

Community Board updates on project:

- April – May 2015
- Jan – Feb 2016
- April – May 2018

Staten Island Working Group Members:

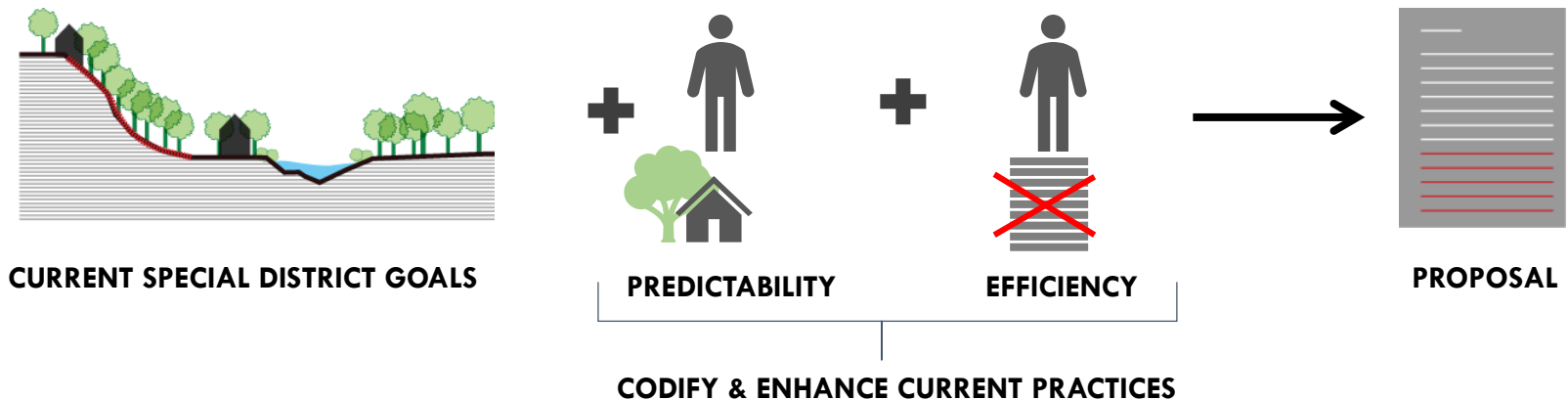
- SI Community Board 1
- SI Community Board 2
- SI Community Board 3
- Serpentine Art and Nature Commons Inc.
- SI Taxpayers Association
- SI Borough President’s Office
- SI Chapter- American Institute of Architects
- SI Building Industry Association
- NYC Parks – Natural Resources Group
- Protectors of Pine Oak Woods
- Westervelt Civic Association
- Department of Buildings
- Professional Landscape Architects and Planners



Project Principles For The Proposed Update

With community input, DCP has established the following principles to guide the proposal

- Strengthen and rationalize **natural resource preservation**
- 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 review by the City Planning Commission (CPC) focuses on sites that have a greater impact on natural resources and the public realm
- Ensure **consistency of regulations** amongst all three special districts in Staten Island

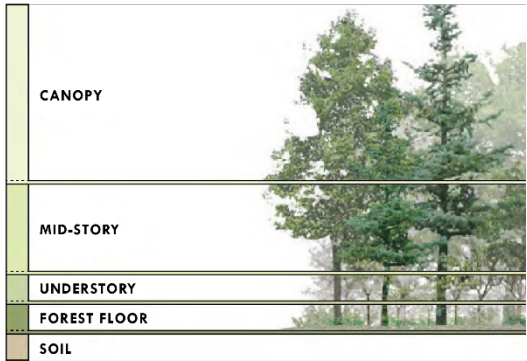




- Establish a hierarchy of natural resource protection based on proximity to existing large publicly-owned natural resources and/or topography
- Establish clear rules for many small sites less than one acre that will be reviewed by the Department of Buildings (DOB), in order to remove need for CPC review
- Create a clear review framework by the CPC for large (1 acre or more) and more sensitive sites located adjacent to designated natural areas
- Ensure preservation of significant habitat on portions of large sites (1 acre or more) to maintain ecological connectivity and neighborhood character
- Encourage long-term planning for campuses and institutions to promote preservation of natural resources, community awareness and a more streamlined approvals process
- Create consistent natural resource preservation rules throughout three special districts

Proposed Natural Resources Approach: Three Lenses

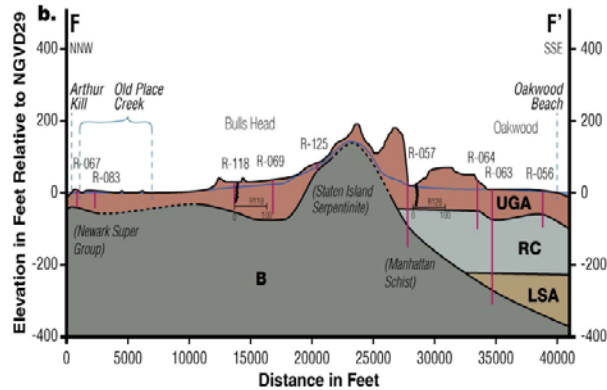
The special districts have three main components: biodiversity, topography, and aquatic features. Each of these three natural features plays an important role on their own, and together, they form the community's overall natural environment. We will consider these natural features more holistically and the surrounding context as we update the existing regulations.



Canopy Requirements
Biodiversity Requirement



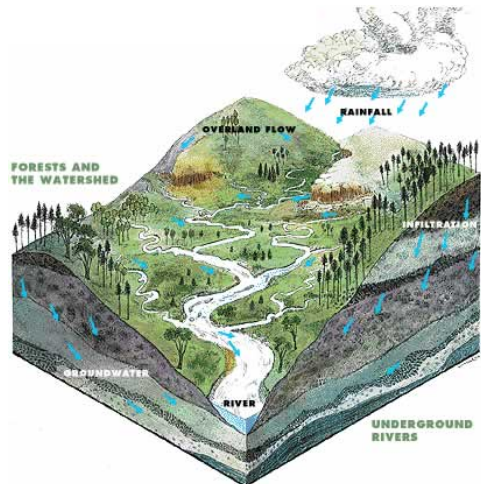
NATURAL COMMUNITIES



Topographic Features
Geologic Features



SOIL & TOPOGRAPHY



Aquatic Features
Limit Pollution & Erosion



WATERSHEDS & DRAINAGE

Natural Resources Approach: Ecological Area Mapping

Using the latest information, important natural resources (large public parks, forests, and escarpment areas along the serpentine ridge) will be mapped.

From that mapping, “ecological areas” will be established to regulate development based on the proximity of sites to natural resources. The proposed framework aims to promote ecological connections and prioritize protection of large anchor habitats (protected and/or publicly owned natural resources).

Ecological areas*

Designated Natural Resource

(Protected and/or public owned lands)

Resource Adjacent Area

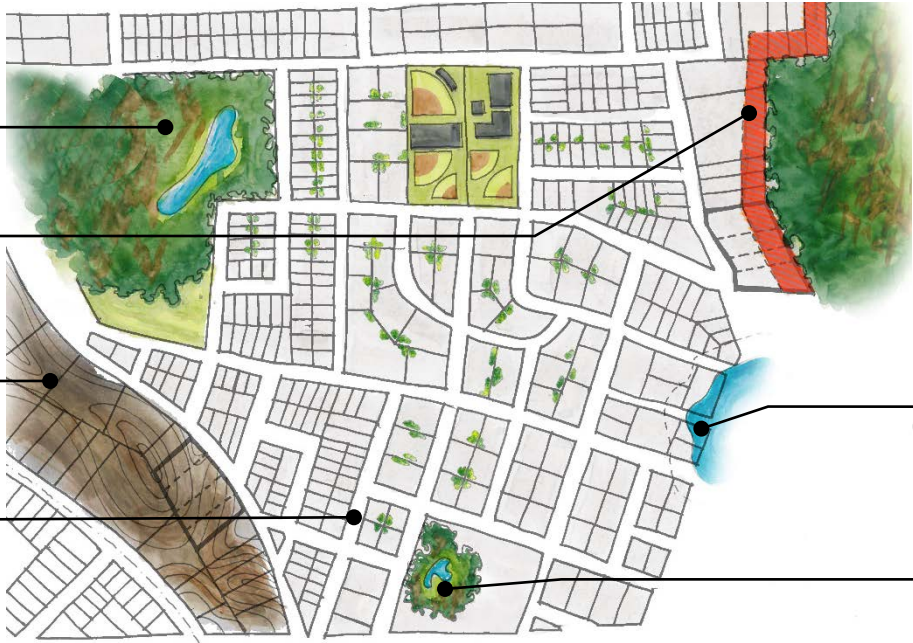
(Protects the designated natural resources)

Escarpment Area

(Protects geologic and topographic features)

Base Protection Area

(All other property)



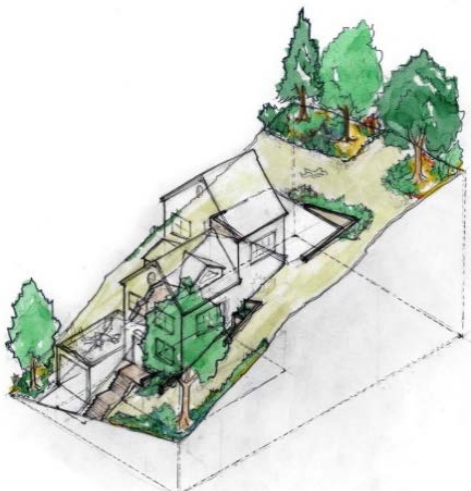
Wetland habitat
*(Connects/enhances the core habitat/
aligned with NY State regulations)*

Habitat on Private Lots
(Connects/enhances the core habitat)

**Concept Drawing For Illustrative Purposes*

Planning Framework: Ecological Areas

Each ecological area will have defined rules to preserve natural features when developing a site based on the site's proximity to natural features, with the highest level of protection for escarpment areas and areas adjacent to designated resources:



ESCARPMENT AREA

Sites located within area of significant geographic & topographic features



RESOURCE ADJACENT AREA

Sites located adjacent to designated natural resources



BASE PROTECTION AREA

All other sites will have consistent requirements for development and preservation to contribute to the overall ecological importance of the special district

AS-OF-RIGHT (DOB only) - Proposed

Lots < 1 Acre (majority)

CPC DISCRETIONARY REVIEW - Proposed

All Lots ≥ 1 Acre, and smaller lots with:

- Private roads (new and/or extensions)
- Subdivision & new construction in Historic District
- 4 new lots, buildings or dwelling units in Escarpment and Resource Adjacent areas



Planning Framework: Decision Making

EXISTING

The three special districts have inconsistent rules regarding what should be preserved and how much can be developed.

Each site is looked in isolation rather than considering the ecological context of the area.

Each natural feature is protected independently and rules may be modified through applications to the CPC.

Current zoning can create barriers to the best site plan that balances preservation and development.

As-Of-Right (DOB-only) Development

No public review is currently required for some larger developments that affect the public realm and natural features in HS and SRD

CPC Review

In SNAD and HS, most developments and enlargements of existing homes require CPC review regardless of size of the site or if there is any impact on the natural features

PROPOSED

Holistic approach to natural resource preservation.

Establish “ecological areas” to regulate sites based on proximity of natural resources.

Establish thresholds for development and define limits to modifications that would no longer require DCP review and clarify what proposals will require public review.

As-Of-Right (DOB-only) Development

Lots less than 1 acre in size (some exceptions*)

All projects reviewed & signed off on by DOB. Must demonstrate compliance with regulations

CPC Review

All lots over 1 acre

* New buildings or subdivisions in Historic Districts

*Lots of any size with Private Roads

Improved outcomes: Homeowner friendly regulations for most small properties that provide clear standards to protect natural features. Large/sensitive sites will require CPC review.



The proposed regulations consider:

- How the **natural features** work together to contribute to the **larger ecosystem**?
- How **different regulations** work together to allow **good site planning**?

Overview:

- Lot Coverage & Impervious Surface
- Tree Requirements
- Biodiversity Requirements
- Aquatic Resources
- Large Sites (1 acre or greater)
- Campus Plans



How will the Proposal Protect Natural Features?

Updated Rules for Lot Coverage & New Rules Impervious Areas

Lot coverage is the area of the site covered by a building.

Impervious areas of the site are those covered by a building or hard surfaces.

EXISTING

Lot coverage/building footprints are regulated in relation to topography without context (e.g., *is this site part of larger steep slope?*).

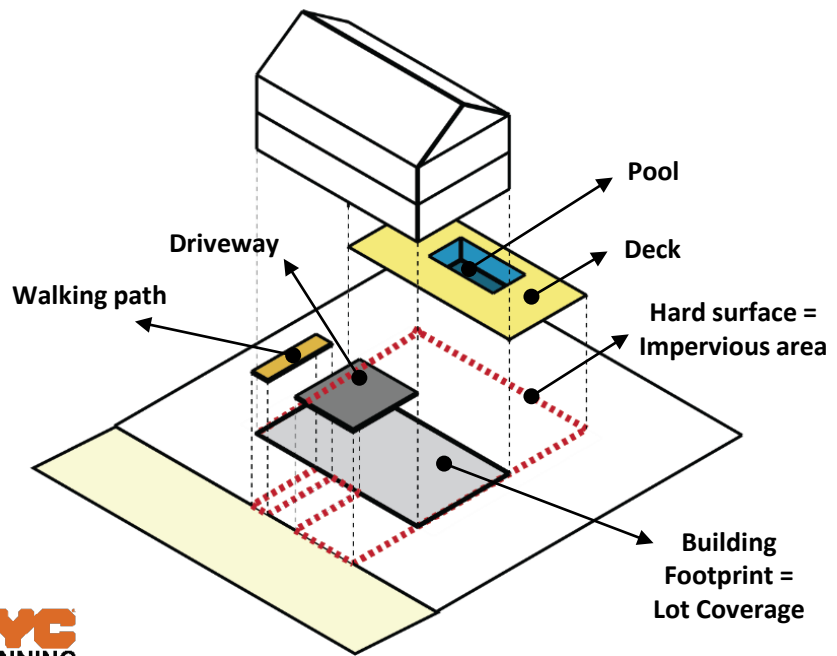
Impervious areas are *not directly* regulated in the regulations but only through best practices.

PROPOSED

Lot coverage would **recognize the specific natural environment** and be defined for all residential lots + large institutions/Community Facility sites **based on proximity to natural resources** (ecological areas).

Impervious area **will be defined to include building footprints, driveways and other paved areas** such as a patio, deck or pool.

Improved outcomes: Greater site planning flexibility to preserve natural features and provide adequate space for planted areas, increase provision of open space, and achieve better storm-water management.



How will the Proposal Protect Natural Features?

Updated Tree Rules

EXISTING

Requirements: 1 tree per 1,000 sf **OR**
51% of existing tree credits (whichever is greater)

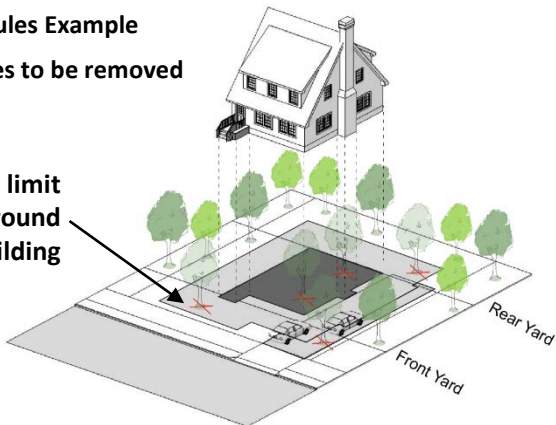
Existing trees and vegetation can be removed as of right within 15 feet (in SNAD/HS) or 8 feet (in SSRDD) of buildings, or in locations proposed for private roads, driveways, or required parking areas.

Trees beyond these areas may only be removed by CPC authorization unless the tree is sick/dead/hazard to people or property as certified by a licensed arborist.

Existing Rules Example

 Trees to be removed

15' limit
around
building



PROPOSED

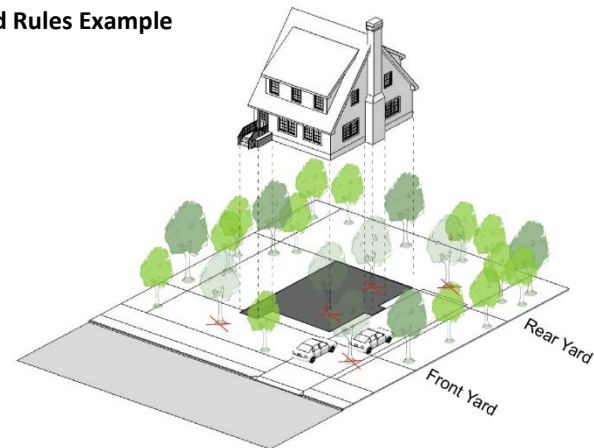
Requirements: 1 tree per 1,000 sf **AND**
3 tree credits for every 750 sf

“Old growth” trees will generate more tree credits to incentivize their preservation

Preserving trees in **front yards** and in **existing groups** will be encouraged to support the surrounding neighborhood character.

***Improved outcomes:** Give greater value to existing (preserved) trees, support native species and trees planted in groups, more trees will be required.*

Proposed Rules Example



How will the Proposal Protect Natural Features?

New Biodiversity Rules

EXISTING

No existing vegetation can be removed as of right except within 15' of building or in locations of proposed driveways, private roads or required parking

Every square foot of removed vegetation to be replaced by one plant

Very strict requirement that can be modified by CPC

PROPOSED

Every site plan must meet a specified number of Biodiversity points. Biodiversity point requirements will be determined by which ecological area it is located (escarpment, resource adjacent or base)

Biodiversity points can be achieved in a variety of ways:

- Landscape Buffer – Resource Adjacent Area
- Wildlife Garden
- Green Roof

Improved outcomes: Clear planting requirements that will enhance the biodiversity and ecological health of the community.



How will the Proposal Protect Natural Features?

Updated Rules for Aquatic Resources

EXISTING

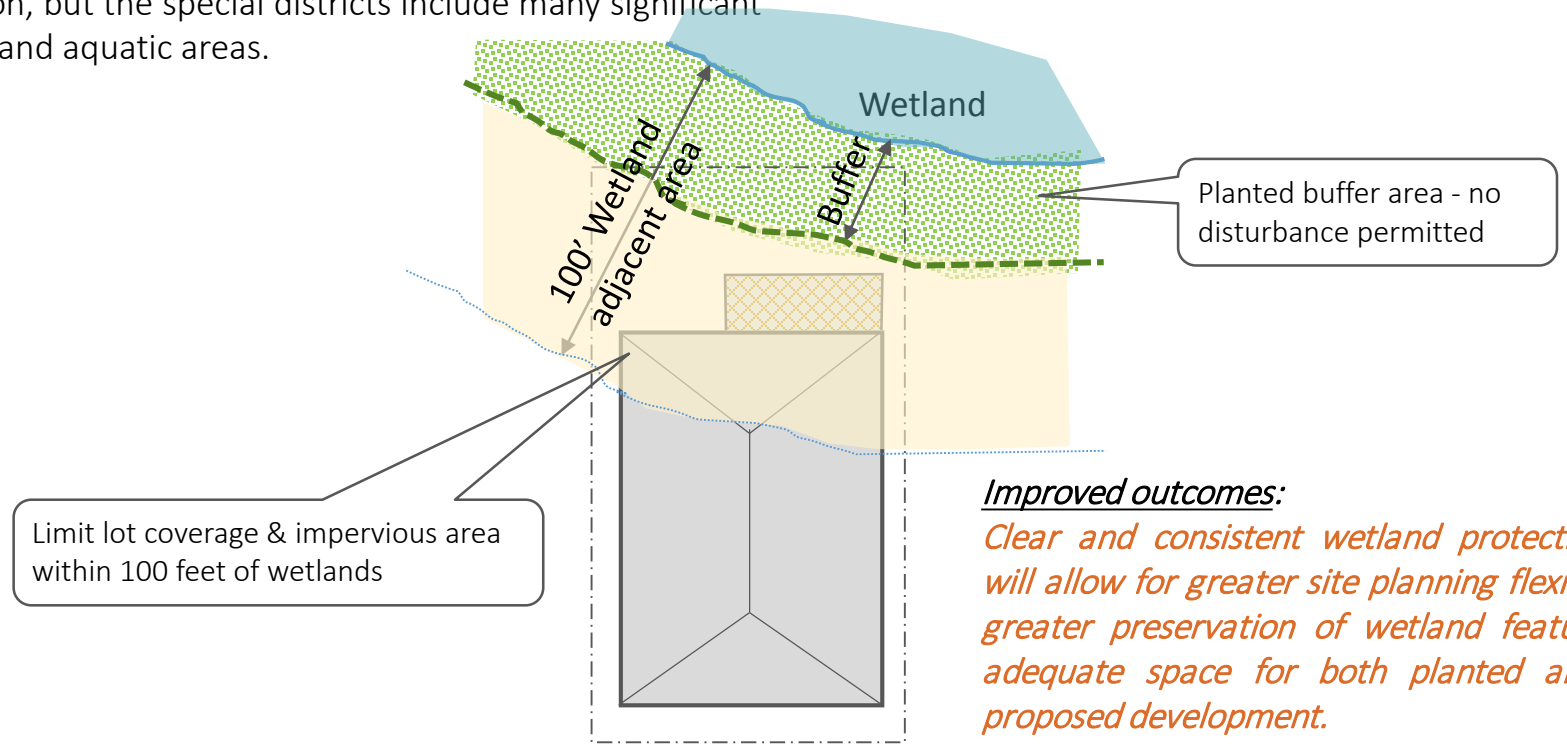
No consistent wetland regulatory protections between special district zoning rules, NY State Department of Environmental Conservation (NYSDEC) permits and the Army Corps wetland regulations.

Only wetlands over 12.4 acres have effective regulatory protection, but the special districts include many significant wetland and aquatic areas.

PROPOSED

Establish consistent regulations across three special districts.

Allow flexibility in site planning to ensure a minimum buffer between sensitive wetland areas and proposed development.



Improved outcomes:
Clear and consistent wetland protections that will allow for greater site planning flexibility and greater preservation of wetland features with adequate space for both planted areas and proposed development.

Not to scale

How will the Proposal Protect Natural Features?

New preservation requirement for sites (1 Acre or Greater) with existing natural habitats

EXISTING

Current rules for development do not require or encourage preservation of large, contiguous natural habitats.

Any preservation of existing habitats is due to site by site negotiations through CPC review and there is no predictability on outcomes.

Proposed minimum requirements for Residential and Commercial use:



■ Natural habitat = 25% (consolidated preservation area & includes old growth trees)

PROPOSED

If there is an existing contiguous natural habitat: up to 25% of a residential & commercial development site, or 35% of community facility development site, must be preserved in its natural state. When development is proposed, a natural area site assessment will be required in advance of a development proposal.

Encourage clustering of development to maintain development rights throughout the entire zoning lot.

Improved outcomes: Strengthen and clarify the process for development on large lots with specific rules that require preservation of natural habitat with increased predictability

Proposed minimum requirements for Community Facility use:



■ 35% Natural habitat
■ 15% Open Space

How will the Proposal Protect Natural Features?

New Campus Plan option

EXISTING

Every proposed development/enlargement may require an institution to go through a new discrete application process.

Can be very costly for institutions to go through each environmental review.

No incentives to share long-term plans with surrounding communities.

Example for proposed campus plan rules:

Institution seeking an initial approval could seek approvals of future development sites at the same time.

Proposal would go through public review and could be modified throughout process.

If the future development site received a **general approval**, a future **authorization (CPC review)** would be needed to **verify no additional impacts** on natural features.

If the future development site received a **specific approval by CPC**, a future **certification by the Chairperson** would be required to **verify no changes to previous approvals**.

PROPOSED

Public review of a long term and holistic plan would provide transparency and identify future development sites and natural areas to be preserved. No public review required if future development is as per "pre-approved" plans.

Public review would be required if identified preservation areas are proposed to be altered or new areas of development are proposed.

Improved outcomes: The community benefits from providing input in the long-term planning process while the applicant benefits from a single environmental review and more predictability for future development.



How will the new rules be enforced?

Department of Buildings (DOB) provides enforcement for all zoning regulations

EXISTING

Enforcement occurs the same way across all NYC zoning regulations

- Complaint driven – dependent on neighbors raising issues
- At time of permit

PROPOSED

Clearer as-of-right regulations and process means DOB plan examiners will be more knowledgeable and involved throughout the approval process.

Still allows neighbors to raise issues within their community

DOB enforcement:

DOB is strengthening the enforcement and construction safety supervision

DOB has created an online portal to track all active construction sites

Additional tools and information to be created in order to support community and professionals:

Homeowner Guide

DOB Tools and Checklists

DCP support to DOB through transition

How do proposed regulations affect properties?

Case Studies in Staten Island Special District

Case Study: How Would A Typical Single-Family Home Be Affected?

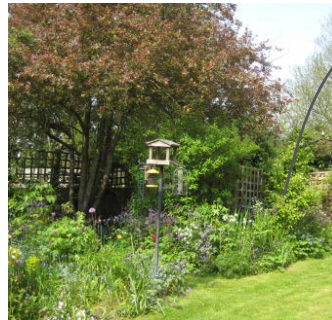
Enlargement in R1-2, Base Protection Area, SNAD

EXISTING CONDITIONS

- Lot Area: 11,000 SF (Min Lot Area: 5,700 SF)
- FAR: 0.18 (0.5 Max)
- Existing Lot coverage: 9%
- Garage will be counted toward lot coverage
- One acre or more: No
- Private Road: No

✓ *Site meets criteria for as-of-right development*

You can submit drawings directly to DOB as part of their application requirements rather than filing through DCP and then DOB



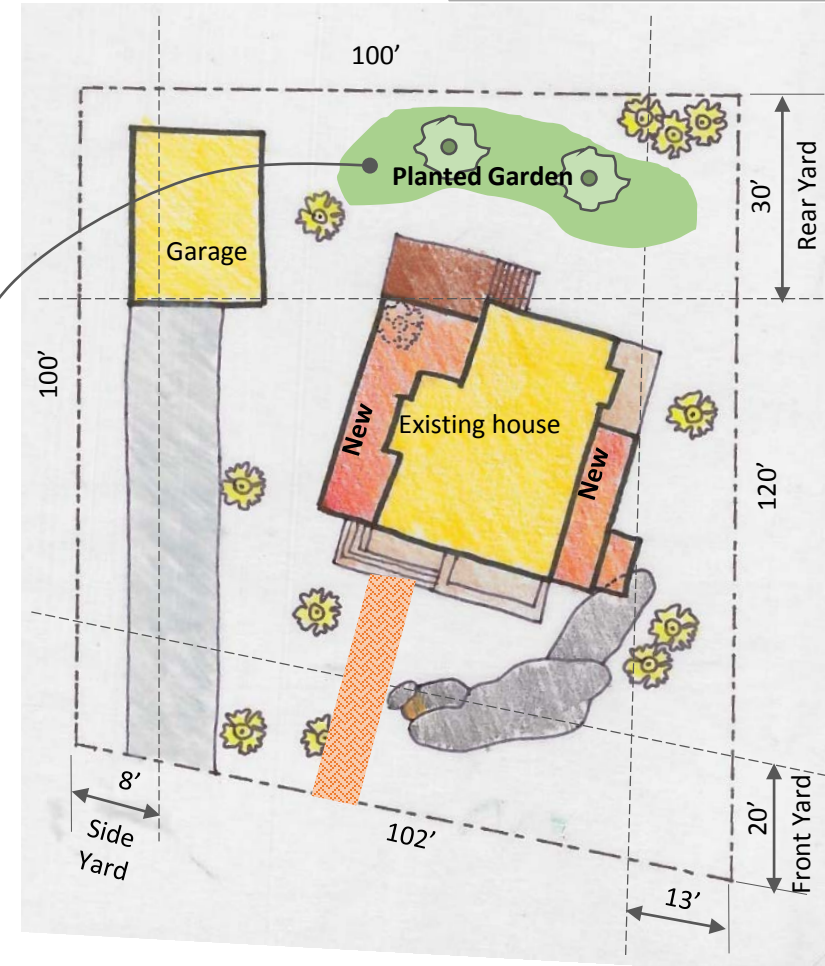
PROPOSAL

- Lot Coverage = 17.3%
- Impervious Area (pathway, driveway, decks, patio and building footprint) = ~30%
- Biodiversity points: met through planted garden
- Tree requirements: met by planting two new trees

Base Protection Area



PROPOSED



Case Study: How Would A Typical Single-Family Home Be Affected?

New Residential Development in R3X, Base Protection Area, SRD

EXISTING CONDITIONS

- Lot Area: 6,000 SF (Min Lot Area: 3,800 SF)
- One acre or more: No
- Private Road: No

✓ *Site meets criteria for as-of-right development*

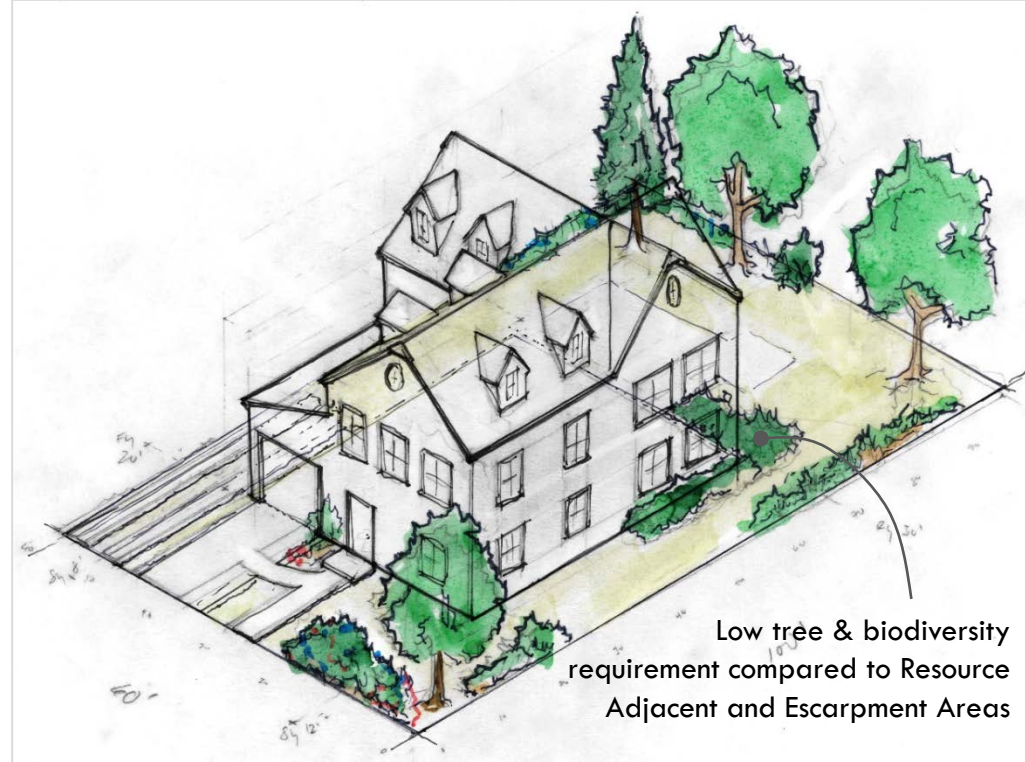
PROPOSAL

- Largely follows underlying zoning district regulations
- Lot Coverage & Impervious Area: more generous than Escarpment and Resource Adjacent Areas
- Biodiversity points: met through planted gardens
- Tree requirements: met by preserving existing trees and planting new trees

Base Protection Area



PROPOSED



Low tree & biodiversity requirement compared to Resource Adjacent and Escarpment Areas

Case Study: How Would A Typical Single-Family Home Be Affected?

New Residential Development in R1-2, Resource Adjacent Area, SNAD

EXISTING CONDITIONS

- Lot Area: 6,000 SF (Min Lot Area: 5,700 SF)
- One acre or more: No
- Private Road: No

✓ *Site meets criteria for as-of-right development*

PROPOSAL

- Lot Coverage: Limited lot coverage and disturbance area allowances within 100 feet of designated natural resource, which are compensated by relaxed bulk allowances
- Biodiversity points: met through planted gardens and planted buffer which separates development from designated natural resource
- Tree requirements: met by preserving existing trees and planting new trees

Resource Adjacent Area



PROPOSED



Case Study: How Would A Typical Single-Family Home Be Affected?

New Residential Development in R2, Escarpment Area, SNAD

EXISTING CONDITIONS

- Lot Area: 6,000 SF (Min Lot Area: 3,800 SF)
- One acre or more: No
- Private Road: No
- New Building in Historic District: No

✓ *Site meets criteria for as-of-right development*

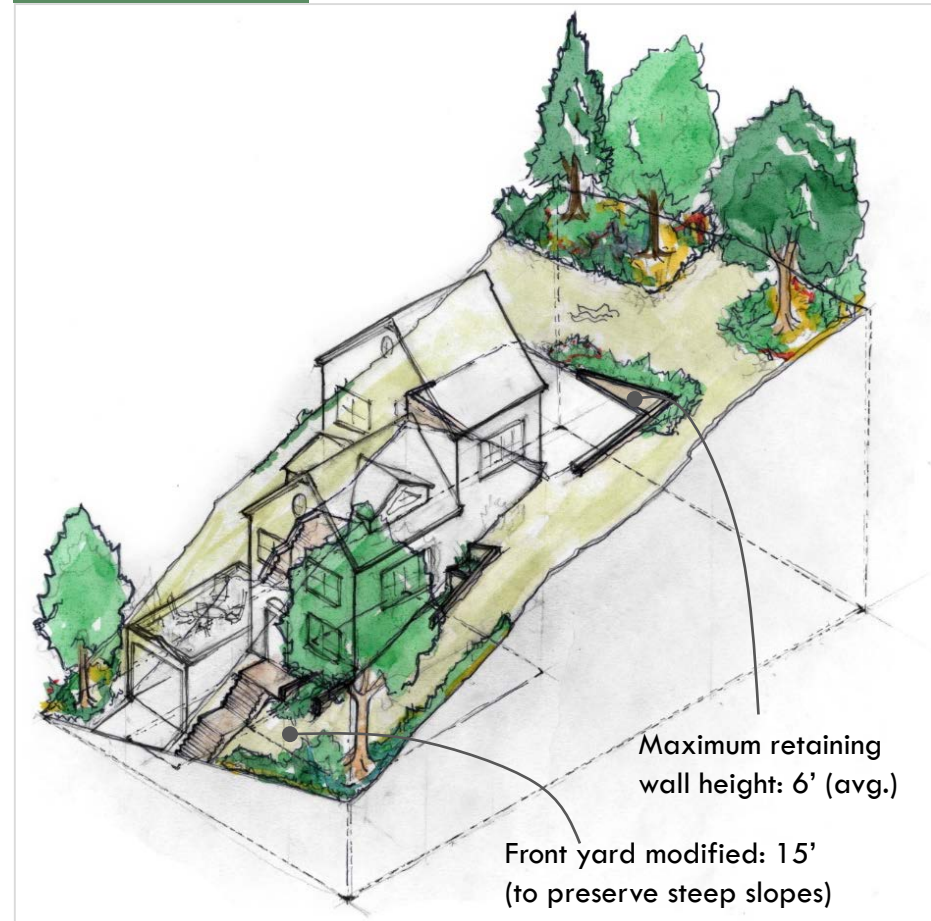
PROPOSAL

- Lot Coverage: Limited lot coverage and disturbance area allowances on steeper slope, which are compensated by relaxed bulk allowances; this can be more generous if building is located on flatter part of the site
- Garage excluded from lot coverage and can be located in the front (on upward sloping site)
- Biodiversity points: met through planted gardens
- Tree requirements: met by preserving existing trees and planting new trees



Escarpment Area

PROPOSED



Case Study: How a Large Commercial Development in SRD be affected?

Site greater than 1 acre with existing natural habitat

Meets criteria for CPC review

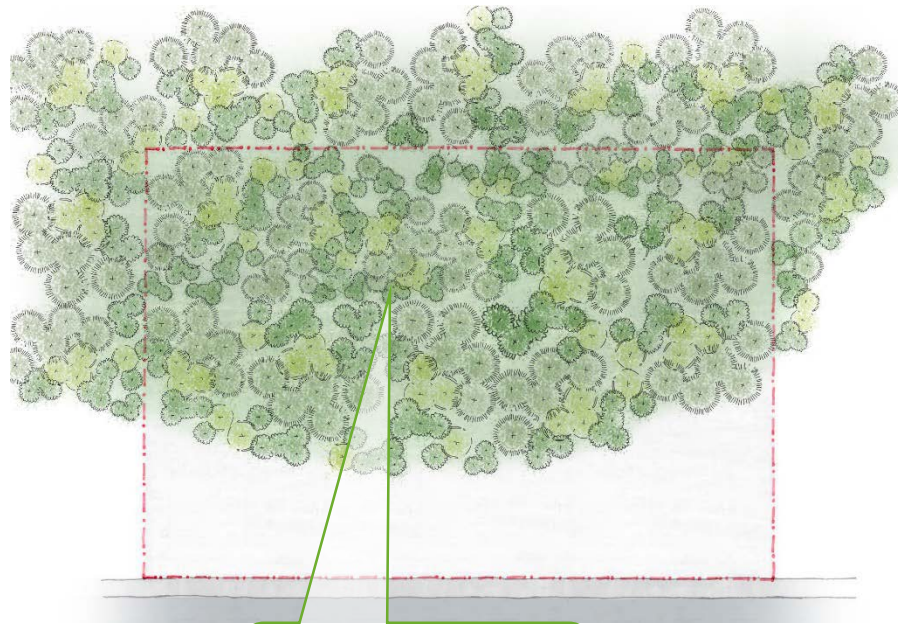
Sites >1 acre with existing habitat shall preserve at least 25% of lot area as habitat with the goal of maintaining existing development potential

EXISTING

- Can go directly to DOB for building permits
- No preservation area required
- Underlying parking lot landscaping apply

PROPOSED

- Site ≥ 1 acre, requires CPC review
- 25% preservation area required
- Underlying parking lot landscaping count toward biodiversity and tree requirement



Lot is greater than 1 acre and contains significant patch of habitat



Parking Lot Landscaping count toward the planting requirements



For further information on the proposal you can email us at:

SpecialDistrictsUpdate@planning.nyc.gov