

**Special Natural Area District Working Group
Land Use Committee, Community Board #8
Second Interim Report
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Special Natural Area District (“SNAD”) Working Group Members:

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Foreword

Members of Community Board 8 played an active role and worked closely with the Department of City Planning in creating the original SNAD regulations. As a result, a significant part of Community Board #8 (“CB #8”) has grown and developed under SNAD over the past forty years. Building and expansion were guided by the historical intent of the District. Enhancing and planning the future of SNAD within CB #8 is the current effort of the SNAD Working Group. We present here the Second Interim Report to inform the Land Use Committee of our efforts to date.

Purpose and Background

The original purpose in forming the SNAD Working Group in Spring 2015 was to determine whether the SNAD regulations adequately protected key areas of the community and met the intent of the ordinance. After a series of meetings, the Working Group issued its First Interim Report in December 2015. It gives the history of SNAD, those portions of CB #8’s 197a Plan that recommended changes to SNAD, a description of our outreach to community groups and institutions and finally an outline of a series of broad goals we believed should be part of any change to SNAD. The First Interim Report is attached for fuller background.

Progress Report

At the July 21, 2016 CB #8 Land Use Committee meeting, the Department of City Planning staff presented, as a “Draft for Discussion”, a Power Point presentation introducing guiding principles and proposed strategies for changes to the zoning resolution concerning SNAD. No zoning text language was offered at this time. Given the complexity of the issues, it was agreed that the SNAD Working Group would meet with the Department staff to better understand their direction and thinking.

The SNAD Working Group met with Department staff on July 29th, August 31st and October 3rd of this year. The Department presented the framework for their proposed changes, some specific suggestions for bulk regulations such as lot coverage and open space, a revised tree credit requirement calculation and showed application of the concepts on certain sites, real and theoretical. The Department continues to work on the changes and does not anticipate a complete proposal with actual zoning text language before the beginning of the new year.

Commentary

The Working Group has assembled the following observations based on the work to date, meetings with the Department of City Planning, experience of its members and Group discussion. Given the scope of the material and the complexity of the SNAD regulations, the Working Group presents the following areas for consideration. Some proposals present a real opportunity to revise the SNAD regulations and review process to better serve the community and to regain the public trust that has been lost in recent years. Others raise concerns. There is a general recognition that the natural resources in SNAD would be better protected if the focus was distinctly on our Bronx district and if the review process for development remain discretionary, as it is now, rather than “as of right.”

Planning Framework

The Department of City Planning is proposing changes to the Special Natural Area zoning text that will be applicable to all mapped SNAD districts, which include The Bronx, Staten Island and Fort Totten in Queens. In addition, the Department will apply the new regulations to two additional zoning districts on Staten Island—the Special Hillside Preservation District and the Special South Richmond Development District.

The dual motivation for SNAD amendments is to make residential development in Staten Island more as-of-right, and thereby easier and simpler for owners and developers, and to alleviate the workload of the Department’s staff. Concern by both the Land Use Committee and in the Working Group over the Staten Island focus of these zoning proposals is a theme that has echoed throughout this planning process. Examination of the mapped districts shows that the size of the Bronx district is dwarfed by that of the Staten Island districts. The land area covered by the three Staten Island districts comprises virtually 50% of the entire borough. It is logical, therefore, that the zoning proposals are inspired by Staten Island’s experience and issues.

The central organizing principle for the zoning proposals is the “natural capital” in Parks, which become an epicenter for regulation in a “center/periphery” planning model. As one moves away from the central Park area, the level of regulation and review decreases: Resource Adjacent Areas, Conservation Areas and last, Base Protection Areas. A map of the three Staten Island districts shows dozens of Parks and makes the planning framework of their proposals understandable. The rationale for this “center/periphery” approach in the Bronx district, however, is virtually non-existent. Our main Park in the SNAD district, Riverdale Park, borders the Hudson River and is not at all central. The concept of three levels of regulation radiating from Riverdale Park is illogical, especially given the district’s significantly smaller size and the park’s location on the periphery of the district. Historically designated communities within the SNAD district in fact were planned to integrate natural features into individual properties and throughout the design of the neighborhood. Because of the unique distribution of parkland and natural areas within the Bronx district, the Working Group questions whether there is any justification for imposing spatial gradations between levels of regulation and review for Bronx SNAD.

The Working Group is concerned about the wholesale inclusion of the Bronx district in the proposed zoning text changes, which provide solutions to problems that are distinctly Staten Island’s.

Discretionary Review

The concept of reducing discretionary review of development proposals and increasing the availability of as-of-right development is a central theme in the Department of City Planning's proposals. The suggestion of eliminating current discretionary actions and substituting as-of-right will affect small and medium lots in addition to large institutional lots. The requirements for determining each level of review have been generally described but have not been committed to a zoning text. This direction is designed for Staten Island, which has an extensive land area and generates a large number of applications to the Department of City Planning. In contrast, the Bronx district, over the course of the last 40 years, has not been an administrative burden to the Department, and the required discretionary reviews have provided an opportunity for community input and fostered rational development. In addition, while a significant proportion of the land use issues in the Bronx district involve large institutions, the Staten Island districts are characterized by applications involving residential development. It is not clear whether changes proposed in the city-wide revisions for SNAD will ameliorate or address concerns raised by members of the Land Use Committee and the SNAD Working Group in the First Interim Report with respect to the requirements for large institutions' lot coverage, open space, and permeable surfaces in existing SNAD regulations.

Tree Credits

The First Interim Report from the SNAD Working Group highlighted concern over the manner in which the tree credit requirement was defined and implemented. The number of trees, their size, their importance for retaining storm water on site and holding the surface together, and their visual and aesthetic value are not sufficiently recognized in current SNAD regulations. The Department of City Planning has studied the tree credit requirements and will be proposing a new system to calculate these credits that recognizes and incentivizes preservation of larger trees and increases the minimum number of trees required to be retained when there is a proposed development within the SNAD. In addition, they will create a "Biodiversity Requirement" which recognizes the environmental benefit of flora at all levels of growth from the ground to the canopy.

The Working Group considers this approach an improvement over current requirements and believes this direction is correct and should be followed. To the extent it can be improved even more, that is a goal we can support. Of particular interest, given the topography of the Bronx District, the preponderance of steep slopes, and the need for improved resiliency along the Hudson River shoreline, is the environmental impact of large trees and value of their underlying root radii in preventing soil erosion and water runoff.

Tree Species List

The current SNAD text has a list of permitted species appended which indicates which species is allowable in the district. The Department of City Planning has reviewed the list with experts and has found some number of non-native, invasive species on the list. They propose to amend the list accordingly. The Working Group supports this effort, but believes changes to the list might be accomplished without a zoning text amendment.

Bulk Regulations

The Department of City Planning has described a number of bulk regulations it wants to amend. Given the planning framework it has designed, which entails three levels of regulation—and the complexity of these regulations, it is only possible to make general comments on what has been discussed with the Working Group.

The Working Group's First Interim Report made lot coverage and open space requirements a priority. They have been acknowledged by the Department staff, which has made statements about generally decreasing lot coverage and further defining open space requirements. We believe these are appropriate directions to take, recognizing, however, that more cannot be said at this time, since there is, as yet, no zoning text with specifics. The Working Group would be concerned, for example, if revised bulk requirements caused the elimination of discretionary reviews currently required under existing SNAD regulations.

The Working Group's First Interim Report accorded high priority to important environmental issues associated with the Tier I and Tier II steep slope areas—such as erosion, water run-off and non-porous paving. We refer you to the Report's discussion of the Department of Environmental Protection's Long-Term Control Plan, the importance of ground water capture and a lack of findings and standards in existing SNAD rules for changes to drainage systems. While there has been general mention of these areas of concern by the Department, the Working Group would like to understand in a more concrete way how the zoning text proposals will address these priorities and any proposed changes made by a future DEP Long Term Control Plan for controlling water runoff in CB #8.

Conclusion

This is the Second Interim Report to the Land Use Committee, which will also be sent to those groups and institutions originally contacted for comment. The Working Group will continue its work and its conversations with the Department of City Planning as we await their proposed zoning text, which is expected early in 2017. The Working Group's goal remains ensuring that CB #8 and the community-at-large remain informed.

Acknowledgements

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