

Claudia Herasme (DCP) 9/5/19 email to BCEQ, entitled “Proposed Update to Special Natural Area District,”

**From:** Claudia Herasme (DCP) <[CHERASM@planning.nyc.gov](mailto:CHERASM@planning.nyc.gov)>

**Sent:** Thursday, September 5, 2019 1:53 PM

**To:** [karen@bceq.org](mailto:karen@bceq.org); [snad@bceq.org](mailto:snad@bceq.org); fanuzzi Robertfanuzzi <[fanuzzir@stjohns.edu](mailto:fanuzzir@stjohns.edu)>

**Cc:** SpecialDistricts\_DL <[SpecialDistricts\\_DL@planning.nyc.gov](mailto:SpecialDistricts_DL@planning.nyc.gov)>; Rachael Raynoff (DCP) <[RRAYNOFF@planning.nyc.gov](mailto:RRAYNOFF@planning.nyc.gov)>

**Subject:** Proposed Update to Special Natural Area District

Dear Bronx Council for Environmental Quality members,

The Department of City Planning (DCP) received your correspondence as well as many emails from BCEQ friends regarding the proposed Natural Area Special District update, and we wanted to make sure that we are clearly communicating how the proposed rules are stronger for the environmental concerns you noted. The changes codify best practices and reflect updated environmental science and a more holistic approach to natural resource preservation with clear development standards resulting in better and more predictable outcomes.

- ***Under current special district rules, waivers are required on almost every site, but no limits are defined for these waivers. Under the proposal, all sites will have strict rules that they must follow – limits on hard surfaces and impervious surfaces, limits on lot coverage and building size, stricter and smarter tree planting and preservation requirements, improved biodiversity planting requirements, and stricter rules for steep slopes, rock outcrops, and aquatic buffers.***
- ***Large (1 acre or more) and sensitive sites will undergo site plan review and only if specific conditions (findings) are met will they be given flexibility, and only to the benefit of preserving natural features.*** The most significant natural features throughout the site must be identified and protected – these include botanic features like old growth trees, steep slopes and rock outcrops, wetlands and streams (143-42(d)). All plan review sites authorizations will go through public review.
- ***The discretionary rules proposed for large sites to preserve and protect natural features are significantly stronger than today’s rules.*** For example, the proposal will require preservation of up to 25-35% of large sites (1 acre or more) of habitat areas in perpetuity. Institutions will be required to preserve up to 50% of the site – up to 35% for existing habitat area and an additional 15% as open space. *There is no such requirement under the current regulations.*
- ***The proposal will require that all aquatic features such as wetlands, streams, and natural drainage patterns be identified and protected.*** The proposal introduces buffer areas around all aquatic features that must not be disturbed regardless of lot size. *There are no buffer areas required under the current regulations.*
- ***The proposal sets strict limits on hard surfaces on every site regardless of lot size or residential or institutional use*** (143-22). These limits do not exist under the current regulations.
- ***The proposal specifically precludes clear cutting of trees*** (143-13) and favors native trees and do not allow invasive species (143-10) for all sites. The proposal *requires* trees in both the rear and front of sites. The proposal also requires significant and varied ground cover planting on every site to achieve biodiversity throughout the special district and connect habitat areas.
- ***The proposal will not encourage development*** and does not change the underlying zoning districts. Indeed, the proposal requires any zoning lot subdivision that results in four or more lots anywhere in the special district to undergo site plan review and public referral; *today, subdivision is only a ministerial action with limited oversight*. The proposed regulations will require that sites of all sizes deliver the same outcomes designed to preserve natural features including stricter rules for tree planting and preservation, stronger requirements for varied ground plantings, and limits on hard surfaces.
- ***The campus plan for large sites will require rather than eliminate environmental review and requires multiple opportunities for public referral.*** To create a campus plan, a property owner must file for a discretionary authorization with the City Planning Commission to show areas for multiple phases of development. These areas can be either well-defined or general. Establishing the campus plan requires environmental review covering multiple phases of development. The campus plan will then go through public referral, allowing public input upfront.

Once a campus plan is established, when the property owner is ready with a detailed development plan, he or she will seek a simple ministerial certification only if the development plan complies with the approved well-defined development area previously approved that has already undergone environmental review. However, if the detailed development is within one of the general development areas of the campus plan, the property owner will be required to request a second discretionary action (authorization) for a limited portion of the site. The second discretionary action will also require public referral.

Campus plans will 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 will also streamline review for institutions that are willing to plan into the future. *There is no incentive to do this kind of planning in today’s regulations.*

Thank you for your consideration. I hope you find this information to be helpful and that you will share this correspondence with your members. As always, we are available to answer questions about the proposal under public review.

Best,

Claudia Herasme  
**CLAUDIA HERASME**  
CHIEF URBAN DESIGNER • URBAN DESIGN OFFICE  
120 BROADWAY 31<sup>ST</sup> FLOOR • NEW YORK, NY 10271  
212.720.3265 | [cherasme@planning.nyc.gov](mailto:cherasme@planning.nyc.gov)  
[www.nyc.gov/planning](http://www.nyc.gov/planning)