

Executive Summary

Introduction

The New York City Department of City Planning (DCP) is proposing zoning map and text amendments to the Zoning Resolution (ZR) to modify existing special district regulations and establish a Special Natural Resources District (SNRD) in Community District (CD) 8 in the Bronx. The proposed special district regulations would provide a clear and consistent framework for natural resource preservation that would balance development and ecological goals.

The Proposed Actions include zoning text and related zoning map amendments that would affect the Special Natural Area District (SNAD) (Article X, Chapter 5) of the Zoning Resolution. The Proposed Actions would affect the Bronx's SNAD (NA-2) in Riverdale and Fieldston, CD 8.

The Proposed Actions are not expected to cause a significant change in the overall amount, type, or location of development. 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 Actions.

The proposal is a coordinated effort developed over the course of several years with input from residents, elected officials, the community board, and other community stakeholders, and with New York 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 City Planning Commission (CPC) and is conducting a coordinated environmental review under the City Environmental Quality Review (CEQR) process.

Purpose and Need

The purpose of the Proposed Actions is to provide a clear and consistent framework for natural resource preservation that would balance

neighborhood development and ecological goals. The proposed updates would codify best practices; streamline regulations to reflect three principles (prioritizing protection of core habitats, preserving large habitats on private properties, and creating connective corridors for resilient ecosystems); and create clear development standards, resulting in better and more predictable outcomes. Through clear standards, the purpose of the Proposed Actions is to create streamlined processes that would allow small properties (defined as properties smaller than 1 acre in size) to proceed directly to the Department of Buildings (DOB) for development or alteration permits and require large properties (defined as properties of 1 acre or more) and “sensitive” sites (defined as those located in Resource Adjacent Areas) to proceed to CPC for discretionary review (the proposed “CPC review process”). The goals of the Proposed Actions would be achieved by creating and establishing NA-2 as an SNRD.

Since its establishment, regulations in the special district have helped to guide thousands of developments and have resulted in tree-lined streets, preserved rock outcrops, old growth trees, wetlands, and forested parks that today exemplify this community. However, the existing regulatory framework has presented challenges over the last 40 years.

First, the special district lacks a clear development framework and broader ecological strategy to protect natural resources. 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. No clear guidelines exist that preserve natural features on larger, ecologically sensitive sites that form part of the connected ecosystem. Such preservation is negotiated and decided on a case-by-case basis for a variety of project types, which can result in unpredictable outcomes, time delays, and sometimes destruction of ecological connectivity that undermines the health of these natural ecosystems. To address this, the proposed CPC review process would establish clear parameters that would result in better site plans with more predictable outcomes for the applicant and the community.

Second, 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 for the development and preservation of natural features. More than 83 percent of these areas are composed of one- or two-family homes and form the overwhelming majority (approximately 70 percent) of applications in the past that have come to CPC for approval. To address this challenge, best practices would be codified to create clearly defined parameters that would allow applicants to proceed directly to DOB for building permits and confirm zoning regulation compliance. This would ease the process for homeowners by eliminating CPC review, where appropriate.

Third, under the current rules, multiple discretionary review actions are sometimes required to create a well-designed site that balances development with the preservation of natural features on a property. 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. They focus instead on those land use actions that are essential to moving the project forward, which can result in missed opportunities for good site planning. To address this, the proposed CPC review process would be more integrated, so that optional land use actions would not result in significant increased costs or delays.

Fourth, science and expertise around environmental protection have evolved since the special district rules were adopted nearly 40 years ago. Large consolidated natural areas are more ecologically valuable in providing core habitat to a variety of species than smaller areas, but current rules do not recognize the higher value of these larger areas. Technological advances in the last several decades have helped map these ecological communities more accurately, allowing for habitat on larger private properties to be pre-identified to better preserve regional ecological linkages and biodiversity. Current rules are more focused on preservation and do not account for the diversity of native landscapes that are recognized today. Individual trees and small plant communities are renewable resources that can be replanted after a disturbance to create microhabitats and provide ecosystem services. Ground level plants and understory vegetation play a critical role in the long-term health of forests, help the nutrient cycle by building up organic matter, and provide food and shelter to many insects and wildlife that help the larger ecosystem and human health.

Based on research and an assessment of natural resources and natural features provided by the New York City Department of Parks and Recreation (NYC Parks), New York State Department of Environmental Conservation (NYSDEC), and the Natural Areas Conservancy, DCP has identified the regional natural assets unique to areas of the Bronx that are critical for ecological connectivity. The proposal would identify these natural assets, such as City Forever Wild parks, as part of the Proposed Actions in the form of text maps in the Zoning Resolution. These natural assets, called public lands containing habitat in the SNRD, would form the basis of a holistic ecological strategy to strengthen and protect these core natural areas while guiding development that is balanced with natural resource preservation across the special district.

To achieve this goal, the Proposed Actions would map “ecological areas” (**Figure ES-1**) based on proximity to public lands containing habitat such as large parks, forests, and hillsides. These areas would be represented as text maps in the Zoning Resolution as part of the SNRD. *Resource Adjacent Areas* would be mapped within 100 feet of the property line

abutting the public lands containing habitat. Specific regulations regarding landscape buffers would apply along the boundary of these Resource Adjacent Areas to protect and enhance the core habitat within the protect lands. All other areas of the SNRD would be *Base Protection Areas*, where consistent regulations would help enhance and connect natural areas across the special district.

Figure ES-1. Ecological Areas Based on Proximity to Natural Resources



BASE PROTECTION AREA

aims to provide consistent requirements for development and preservation to contribute to the overall ecological importance of the special district and include properties outside the Resource Adjacent Areas



RESOURCE ADJACENT AREA

aims to protect the most sensitive natural resources adjacent to protected/public lands and include properties adjacent to these areas

To advance this effort and ensure input from community stakeholders, DCP has been meeting with local community boards and convened advisory groups of local civic organizations, architects, landscape architects, environmental groups, elected officials, institutions, and city agencies. The first working group meeting occurred in April 2015. The advisory groups established the following principles, which have been used to guide the update process:

- 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 CPC focuses on sites that have a greater impact on natural resources and the public realm.

Based on principles described above and to apply the framework, the Proposed Actions would establish regulations that create a hierarchy of natural resource protection based on proximity of a development site to public lands containing habitat (Resource Adjacent Areas) to protect and enhance the most ecologically sensitive resources.

The Proposed Actions would determine the appropriate review process based on the size of properties, proximity to sensitive areas, and effects on neighborhood character and the public realm.

Properties Smaller than 1 Acre in Size

With clear zoning regulations that would establish building footprint, permeability, trees, and ground cover, most small property owners would go directly to DOB for project review and permits, skipping the current requirements for review by CPC. In some special cases, CPC review would still be required. These cases include:

- development with new private roads, because these sites are more likely to affect the public realm and neighborhood character;
- new buildings or subdivisions of a lot in a historic district to align and coordinate review with the New York City Landmarks Preservation Commission (LPC) such that both goals of historic and natural resource preservation are met;
- four or more buildings or eight or more dwelling units in areas that are adjacent to regionally important habitats, (Resource Adjacent) because the new as-of-right rules may not predict every outcome that best achieves the goals of balancing development and preservation; and
- subdivisions resulting in four or more new lots (in all areas).

Properties of 1 Acre or More in Size

For larger sites, the proposed rules with clear parameters would require individual site plan review by CPC because large sites may contribute more to the public realm and preservation of natural habitat.

- The proposal encourages upfront long-term planning to create a holistic development plan for the public and the property owner that considers natural resource preservation.
- For sites with existing habitats, portions of habitat would be preserved in perpetuity to maintain ecological connectivity and neighborhood character because the surrounding natural ecosystem and public realm directly rely on intact, larger natural features found on properties that are larger than 1 acre.

The Proposed Actions would maintain the primary intent of the special district to guide development in areas of outstanding natural beauty to protect, maintain, and enhance the natural features and create a consistent framework in a new SNRD to increase predictability and ecological connectivity.

Description of the Proposed Action

This section describes the proposed regulations, compares them with existing regulations, and identifies any anticipated change in outcomes from the current scenario. This section describes the location of the special district, provides an overview of the proposed review structure, describes the regulations pertaining to protection of natural features and bulk, and describes the details of discretionary review required.

The proposal would also require rule changes subject to the Citywide Administrative Procedures Act (CAPA), which lays out the process and public hearing requirements for rule changes in the City. Proposed rule changes would include changes to: references to online maps, proposed site assessment protocols and associated fees. These proposed changes are required to implement the proposed zoning map and text amendments and are analyzed as part of the Proposed Actions.

Geography

The proposed special district would create an SNRD coterminous with the current NA-2.

The proposal would establish two new ecological area designations that would be applicable in the SNRD: Resource Adjacent Area and Base Protection Area. Modified bulk, parking, and planting rules would apply and vary within the two ecological area designations. Resource Adjacent Areas would be the first 100 feet from the lot line that abuts the public lands containing habitat, such as parklands designated by the City as “Forever Wild.” The proposed regulations for this area would balance development on private property and protect and provide a buffer from public lands containing habitat on protected lands. Areas not designated as Resource Adjacent would be designated as Base Protection Areas; the proposed regulations for this area would provide consistent regulations for development and preservation to contribute to the overall ecological importance of the special district.

Review Structure

The proposed SNRD would require CPC review only for properties that are:

- an acre or larger in size where a new building, enlargement, subdivision or site alteration is proposed, or,

- if smaller than 1 acre:
 - where a private road is proposed to be extended or created;
 - if located in a Resource Adjacent Area, where four or more buildings, or eight or more dwelling units are proposed;
 - subdivisions resulting in four or more zoning lots; or
 - if located in a Historic District and a new building or subdivision is proposed.

Properties that would be required to undergo CPC review are referred to as Plan Review Sites. However, minor enlargements of no more than 5,000 square feet located within 15 feet of the existing building, minor site alteration consists of no more than 10,000 square feet, and removal of 12 tree credits outside of habitat preservation area would not require CPC review and would be able to proceed directly to DOB.

All other properties, new buildings, enlargements, subdivisions, and site alterations within the SNRD would be able to proceed directly through DOB.

The proposal would remove CPC review for NYC Parks properties that is required in the existing SNAD because these properties/projects already go through a separate public review process with the Public Design Commission.

Protection of Natural Features

The proposed regulations 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 and prioritize protection of large anchor habitats or public lands containing habitat. Existing properties in the special district would apply the proposed rules when new construction or significant changes are proposed, and they would be subject to all proposed planting requirements to better protect and enhance these natural areas of regional importance, as well as more controlled lot coverage and limits on hard surface areas such as driveways, walkways, decks, and patios. Development within the Base Protection Area would be subject to meeting the special district regulations by requiring similar requirements for planting, lot coverage, and hard surface area, thus contributing to the overall ecological importance of the special district. The proposed regulations for planting, lot coverage, and hard surface areas would also be modified.

Use Regulations

Use for the special district is governed by underlying regulations and would not be affected by the proposed regulations.

Bulk Regulations

The proposed regulations would modify bulk regulations to provide predictable and clear outcomes for future development and apply more stringent controls based on a lot's adjacency to important ecological features. The proposed regulations would

- introduce the concept of lot coverage for all R1 and R2 districts, including the districts that are currently governed by yard and open space regulations;
- limit the amount of hard surface area as a percentage of the lot;
- require larger minimum lot areas to ensure the preservation of these areas and reduce encroachment from proposed development within sensitive natural areas;
- include a rule that would apply to Resource Adjacent Areas and to lots with steep slopes or nearby NYSDEC-regulated wetlands to allow for an additional 5 feet in the height of buildings in R1 and R2 districts; and
- require an open area at the rear of any residence and adjacent to designated a wetland buffer surrounding a NYSDEC wetland or any other wetland in Plan Review Sites. For Plan Review Sites properties containing community facilities, such as schools, colleges, or universities, a special type of open area consisting of 15 percent of the lot would be required to provide recreational amenities.

Parking and Curb Cut Regulations

The proposed regulations would also modify curb cut and parking location rules for lots within Resource Adjacent Areas and lots with steep slopes or nearby NYSDEC wetlands to allow more flexible site design to avoid disturbance to slopes or other sensitive natural features.

Special Rules for Plan Review Sites

Properties that are considered Plan Review Sites (properties that would be required to undergo CPC review) would be required to seek CPC authorization for any proposed developments, enlargements, site alterations, or subdivisions. However, minor enlargements of no more than 5,000 square feet located within 15 feet of the existing building and minor site alterations consisting of no more than 10,000 square feet

would not require CPC review and would be able to proceed directly to DOB. Proposed underlying SNRD regulations would apply to Plan Review Sites, but CPC authorization would allow the opportunity to apply for certain modifications to the proposed zoning with clear standards for Plan Review Sites. Plan Review Sites would also be eligible to apply for additional CPC authorizations, including approval of a long-term development site plan that approaches development in phases. Phased development would occur pursuant to long-term development site plan approvals. At a later, post-approval date, a certification or authorization would be required to confirm that development is consistent with prior approvals. Plan Review Sites with areas required to be preserved as natural habitat may apply for modification of the boundaries of a habitat preservation area, modification of permitted residential building types, or modification of bulk regulations.

Properties with new or extended private roads would be subject to proposed new private road standards that would be based on existing regulations for private roads in the SNAD.

Approvals

Certifications

Certifications for future subdivisions for any non-Plan Review Sites would be eliminated, whereas future subdivision for Plan Review Sites would require CPC authorization.

Two new certifications would be created as part of the Proposed Actions. One would certify that a development on a Plan Review Site complies with a previously approved plan for the long-term development of a large site. The other would certify that, on a lot larger than 1 acre containing habitat of 0.25 acre or more, trees proposed for removal are not in an area that would be considered natural habitat.

Authorizations

Except as noted above, Plan Review Sites would be required to apply for CPC authorization for any proposed developments, enlargements, site alterations, or subdivisions. Permission to proceed, if granted, would be based on the extent that the project meets the findings established under the proposed regulations. The authorization would allow the modification of regulations for private roads, parking areas, and site-planning requirements for Plan Review Sites to preserve natural features and result in a site plan that best meets the goals of the special district.

Plan Review Sites would have the option to seek CPC authorization for a long-term development plan, which would establish areas of the site within which future development is proposed. If CPC approves the plan, development within the parameters of the plan could be constructed

subject to a certification or authorization, depending on how specifically the future development parameters are detailed.

Plan Review Sites with areas required to be preserved as natural habitat could apply for various authorizations that would permit CPC to modify various zoning rules. CPC would be permitted to:

- modify the habitat preservation area standards to resolve site design conflicts;
- facilitate site design that better protects natural features;
- allow clustering of development by modifying the permitted residential building types or bulk regulations; and
- modify the special lot coverage, open area, and habitat preservation requirements applicable to large community facility campuses.

Special Permits

A special permit would be required for modifying the boundaries of a previously approved and established habitat preservation area. This would be permitted only where unforeseen circumstances require the modification of the boundaries, and the boundary modification has been accommodated by establishing a new area to be preserved or enhancing existing habitat.

Analytical Framework and Reasonable Worst-Case Development Scenario

Approach to Analysis

In conformance with standard CEQR methodologies for the preparation of an environmental impact statement (EIS), this EIS

- describes the Proposed Actions and their environmental setting;
- identifies and analyzes any significant, adverse environmental impacts of the Proposed Actions;
- identifies any significant, adverse environmental impacts that cannot be avoided if the Proposed Actions are implemented;
- discusses alternatives to the Proposed Actions;
- identifies irreversible and irretrievable commitments of resources that would be involved in the Proposed Actions should they be implemented; and

- identifies and analyzes practicable and feasible mitigation to address any significant, adverse impacts generated by the Proposed Actions.

The basis for environmental review is the comparison between a future in which the Proposed Actions are not implemented (the No Action scenario) and the future with the Proposed Actions (the With Action scenario). This framework, a Reasonable Worst-Case Development Scenario (RWCDs), is used as the basis for analysis for assessing the potential environmental impacts of a proposed action. The RWCDs takes existing conditions and adds known or projected changes to arrive at a reasonable estimate of future conditions in both the No Action and With Action scenarios. Therefore, the basis of analysis (also commonly referred to as the “baseline”) is not the existing condition but rather a future condition if the Proposed Actions are not implemented.

Consistent with 2014 *CEQR Technical Manual* guidance, a RWCDs was developed for the Proposed Actions. The Proposed Actions are analyzed generically because the actions are not intended to facilitate a specific development, and no known developments have been identified 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; for such actions, a site-specific description or analysis is not appropriate.

Methodology for Analysis

Because of the broad applicability of the Proposed Actions, it is difficult to predict the sites where development would occur. In addition, the proposal is not expected to induce development where it would not have occurred absent the Proposed Actions. While the proposal may change the proportion of sites proceeding as-of-right, the overall amount, type, and location of development in the affected area is not anticipated to change. Because of the generic nature of this action, there are no known or projected development sites identified as part of the RWCDs. 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: Discuss the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

To produce the RWCDs framework, four representative, prototypical analysis sites were identified. These prototypical analysis sites serve as a

tool to demonstrate the wide range of how the proposed regulations could apply to sites that would be able to develop as-of-right in future with approval of the Proposed Actions (the future With Action scenario). Prototypical analysis sites are shown in Appendix 2. These sites are used to assess the effect of changes to proposed regulations (including the elimination of existing discretionary actions), in which development would proceed on an as-of-right basis (not requiring discretionary approvals) under the With Action scenario.

Under CEQR, a conceptual analysis is warranted when a proposed action introduces new discretionary actions that could be sought at a later time. Because the Proposed Actions would modify or introduce discretionary authorizations and special permits, a conceptual analysis has been provided. Conceptual analyses were identified for certain sites with certain characteristics, where future development would require a separate, future, discretionary approval that was created by the Proposed Actions (Appendix 3). The conceptual analysis serves 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.

Analysis Year

The 2014 *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 2029 has been identified for this environmental review.

Principal Conclusions of Environmental Analyses

Land Use, Zoning, and Public Policy

No significant, adverse impacts on land use, zoning, or public policy are anticipated in the future with the Proposed Actions. The Proposed Actions would not directly displace any land uses in any of the affected zoning districts to adversely affect surrounding land uses, nor would they generate land uses that would be incompatible with land uses, zoning, or public policy. Because the Proposed Actions would not change the underlying zoning or permitted uses, they would not create land uses or structures that would be incompatible with the underlying zoning or conflict with public policies, including the Waterfront Revitalization Program (WRP), applicable to the affected districts or surrounding neighborhoods. Overall, the Proposed Actions would create a framework for new development in areas with significant natural features to protect and enhance the City's most ecologically sensitive resources.

Socioeconomic Conditions

The Proposed Actions would not result in significant, adverse impacts related to socioeconomic conditions. The Proposed Actions are intended to be largely development neutral. As a result, sites that are developed with or without the Proposed Actions are unlikely to differ materially, especially in terms of density. While the Proposed Actions may change the configuration of certain developments, the differences from a socioeconomic standpoint would be minor. The following sections summarize the conclusions for each of the five CEQR areas of socioeconomic concern.

Direct Residential Displacement

No existing residential uses or residents would be displaced. The Proposed Actions are not expected to induce the redevelopment of sites with existing residential uses; they are not expected to result in residential displacement.

Direct Business Displacement

No existing commercial or institutional uses would be displaced. The Proposed Actions are not expected to induce the redevelopment of sites that currently provide employment or contain commercial or institutional uses, and as such, are not expected to result in business displacement.

Indirect Residential Displacement

The Proposed Actions would not result in significant, adverse impacts related to indirect residential displacement. On an individual site basis, the Proposed Actions would facilitate development of a maximum of one additional residential unit. In addition, because of the limited number of vacant or underbuilt sites and low-density zoning, clustering implications would be unlikely. The Proposed Actions would not have an effect that would exceed the 200-unit CEQR threshold for potential impacts related to indirect residential displacement.

Indirect Business Displacement

The Proposed Actions would not result in significant, adverse impacts related to indirect business displacement. The Proposed Actions would not facilitate commercial development; they would not result in substantial new development that is markedly different from existing uses and development; and they would not create or add to a retail concentration. Furthermore, the Proposed Actions would not introduce new uses to a zoning district, and therefore would not introduce a new trend or residential population that could alter economic patterns.

Adverse Effects on Specific Industries

The Proposed Actions would not result in significant, adverse impacts that would affect specific industries, such as the housing market or construction industry. The Proposed Actions would not have a substantial effect on the development potential of sites in the project area, nor are they expected to modify the current housing development rate within the affected areas. The Proposed Actions would not substantially affect the employment and business conditions of specific industries.

Community Facilities

The Proposed Actions would not result in direct or indirect, significant, adverse impacts related to community facilities.

Direct Impacts

The Proposed Actions would not result in direct impacts on community facilities. The Proposed Actions would not displace or otherwise directly affect any public schools, libraries, childcare centers, health care facilities, or police and fire protection services facilities. Therefore, an analysis of direct effects is not warranted.

Indirect Impacts

The Proposed Actions would not result in significant, adverse, indirect impacts on community facilities. Based on the 2014 *CEQR Technical Manual* thresholds, as well as recently updated New York City School Construction Authority (SCA) project public school ratios data, detailed analysis of public schools, childcare centers, health care centers, and fire and police services are not warranted, although they are discussed qualitatively. As described below, the Proposed Actions would not result in significant, adverse impacts on community facilities.

Public Schools, Childcare Services, and Libraries

The Proposed Actions would not result in significant, adverse impacts on public schools, childcare services, or libraries. The Proposed Actions are not expected to induce development where it would not otherwise occur. Although the Proposed Actions would facilitate an increase in residential one unit at Prototypical Analysis Site 3, the increases would not exceed the thresholds for detailed analysis of schools, childcare, or libraries. Significant clustering of development would have to occur to exceed thresholds that require analysis, and such clustering is unlikely to occur given the low number of development sites in the affected zoning districts.

Police, Fire, and Health Care Services

The Proposed Actions would not result in the introduction of a sizeable new neighborhood. Any increase in residential units would be negligible,

and the 2014 *CEQR Technical Manual* thresholds for police/fire services and health care facilities also would not be exceeded.

Open Space

The Proposed Actions would not result in direct or indirect, significant, adverse impacts related to open space resources.

Direct Impacts

The Proposed Actions could decrease the amount of private open space on some development sites. However, because the Proposed Actions would require the preservation of an adequate amount of open space necessary for the protection and enhancement of the natural environment on non-residential development sites, the actions are not expected to result in a significant, adverse open space impact.

Indirect Impacts

Although the Proposed Actions may increase the number of as-of-right development sites and could result in slight changes to resulting site-specific development, the Proposed Actions are not expected to change the overall amount, type, and location of development within the proposed special district. As such, the Proposed Actions would not generate a substantial demand for open space resources. The Proposed Actions are not anticipated to result in a substantive change in the capacity of existing or proposed open space resources.

Shadows

The Proposed Actions would not result in significant, adverse shadow impacts. The Proposed Actions are expected to affect small, peripheral areas of sunlight-sensitive resources, but all affected resources would continue to receive direct sunlight throughout the day, and no natural resources are expected to be permanently shaded to a degree that would affect public use and enjoyment or plant and animal survival. The Proposed Actions would not result in development that would substantially reduce or eliminate sun exposure to sunlight-sensitive resources. Additionally, the Proposed Actions would not result in changes to permitted building height, bulk, or yard requirements that are likely to significantly alter shadow coverage or duration compared to existing conditions.

Historic and Cultural Resources

Archaeological Resources

The Proposed Actions may result in significant, adverse impacts related to archaeological resources. The Proposed Actions could result in increased ground disturbance at some locations. The extent of effects on archaeological resources is unknown because of the generic nature of the

Proposed Actions, and it is not possible to conclude exactly where and to what extent additional ground disturbance may occur. Without an assessment of a specific development site, the absence of archaeological resources cannot be definitively demonstrated. As such, the possibility of impacts on archaeological resources cannot be eliminated. The Proposed Actions are not expected to induce development on sites where development would not have otherwise been possible, thereby limiting the potential for additional ground disturbance, and the potential for significant, adverse impacts related to archaeological resources.

Architectural Resources

The Proposed Actions would not result in direct or indirect, significant, adverse impacts related to architectural resources. The Proposed Actions are not expected to induce development. Privately owned properties that are New York City Landmarks (NYCLs) or in New York City Historic Districts would continue to be protected under the New York City Landmarks Law that requires LPC review and approval before any alteration or demolition could occur. In addition, the New York City Building Code also provides some measure of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. The Proposed Actions may increase the shadow cast on some historic architectural resources, but the increase would not be significant.

Urban Design and Visual Resources

No significant, adverse impacts on urban design or visual resources are expected to result from the Proposed Actions; the effects of the Proposed Actions on the pedestrian's experience of public space in the special districts are not expected to be discernable. The Proposed Actions would result in minimal new developments or enlargements that would not have occurred without the Proposed Actions, and any new development or enlargement under the Proposed Actions would not change the context of the special district, nor would they result in any substantial changes to the built or natural environment that would significantly change a pedestrian's experience of public space. Additionally, the Proposed Actions would not eliminate any publicly accessible view corridors, or block public views to any visual resources, nor would they result in any substantial changes to a historic district. The Proposed Actions are intended to enhance the visual character and urban design features of the special district by preserving and promoting the natural features and broader ecological context that defines the area. Therefore, no significant, adverse impacts related to urban design and visual resources are expected because of the Proposed Actions.

Natural Resources

Water Resources

The Proposed Actions would not modify state or federal regulations requiring approval from NYSDEC or the U.S. Army Corps of Engineers (USACE) for proposed development or other regulated activity in regulated areas. Any proposed development within or affecting a NYSDEC- or USACE-regulated surface water body would require a permit at these agencies' discretion. The permitting process would ensure that the proposed development would not result in adverse impacts on water resources. The Proposed Actions would have no effect on surface water bodies that are resources for shipping and boating, recreational resources, or water supply. The Proposed Actions include more protective requirements to minimize impacts on water resources and protect and enhance buffer areas.

Wetland Resources

The Proposed Actions would have no effect on state or federal regulations requiring approval from NYSDEC or USACE for proposed development or other regulated activity in regulated areas. Implementation of the individual activities in regulated areas would be conditioned upon issuance of applicable federal and state permits, and such projects would be constructed in accordance with applicable federal and state permit conditions. The Proposed Actions include zoning changes that would allow wetlands to perform their functions of conveying, storing, and filtering surface water hydrology runoff by minimizing the number and size of hard surface surfaces in the landscape surrounding wetland resources.

Upland Resources

The Proposed Actions would not affect upland natural areas would because the private properties that the Proposed Actions would affect do not contain these types of natural resources. The Proposed Actions would have no effect on upland resources that are present outside private property limits. Potential impacts on upland forest habitat adjacent to private lots would be minimized by focusing development on forest edges and designing cluster developments that minimize the spatial extent of the development. Zoning requirements call for avoiding the removal or disturbance of large trees or plants with known ecological value. The mostly likely impacts on upland resources would be related to tree removal for proposed development. Such removal would be required to comply with City regulations, which detail the requirements and rules for applying for permission to remove trees under NYC Parks jurisdiction and for determining tree replacement values. Zoning changes would also encourage increased biodiversity, tree preservation, and the appropriate design of landscape elements.

Built Resources

The Proposed Actions would have no effect on built resources because the private properties that the Proposed Actions would affect are not likely to contain structures that would serve as habitat or function as flood control. The Proposed Actions would have no effect on built resources that are located in the study area but outside private property limits.

Significant, Sensitive, or Designated Resources

For proposed development projects where the private lots are adjacent to significant, sensitive, or designated resources, the Proposed Actions would minimize disturbance to existing habitat and avoid habitat fragmentation by maintaining or enhancing buffers surrounding designated resources. Direct impacts on special-status species, or adverse modification of occupied habitat of special-status species, are not anticipated because of the developed nature of the private properties that the Proposed Actions would affect. The Proposed Actions would have no effect on significant, sensitive, or designated resources that are located in the study area but outside private property limits.

Hazardous Materials

The Proposed Actions could potentially result in significant, adverse impacts related to hazardous materials. The Proposed Actions could increase ground disturbance in areas where hazardous materials may be present. The extent of effects of hazardous materials are unknown because of the generic nature of the Proposed Actions, and because it is not possible to determine exactly where and to what extent additional ground disturbance may occur. Without an assessment of a specific development site, the absence of hazardous materials cannot be definitively demonstrated. As such, the possibility of impacts related to hazardous materials cannot be eliminated. However, the extent of the potential impact is expected to be limited. The Proposed Actions are not expected to induce development on sites where development would not have otherwise been possible, thereby limiting the potential for additional ground disturbance.

Water and Sewer Infrastructure

Water Supply

The Proposed Actions are not expected to result in an exceptionally large demand of more than one million gallons of water per day and would not involve the development of a power plant, large cooling system, or other large developments. While the individual sites to which the Proposed Actions would apply would be located in the western portion of the Bronx and may potentially include areas that experience low water pressure, any incremental density is expected to fall well below the threshold for

detailed analysis. As such, the Proposed Actions would not result in significant, adverse impacts on water supply.

Wastewater and Stormwater Conveyance and Treatment

The Proposed Actions would not result in significant, adverse impacts on wastewater and stormwater conveyance and treatment. Incremental development that may occur as a result of the Proposed Actions would fall below the CEQR guidance thresholds.

Solid Waste and Sanitation Services

The Proposed Actions would not result in any significant, adverse impacts on solid waste and sanitation services. The incremental development that may occur as a result of the Proposed Action would not be substantial enough to raise the need for a solid waste and sanitation services assessment. As such, the Proposed Actions would not affect solid waste and sanitation services.

Energy

The Proposed Actions would not result in significant, adverse impacts on the generation or transmission of energy. The Proposed Actions would generate a nominal increase in demand at some development sites facilitated by the Proposed Action. Based on the incremental change in energy use calculated, the Proposed Actions would not have a substantial impact on the City's energy systems.

Transportation

The Proposed Actions would not result in significant, adverse impacts on the transportation network. The Proposed Actions are not anticipated to change the sites on which development would occur under the With Action scenario compared to the No Action scenario. Only one of the four prototypical analysis sites affected by the Proposed Actions could result in an increase in density compared to the No Action scenario. These sites facilitated by the Proposed Actions would be limited and would be distributed throughout the western portion of the Bronx such that it is unlikely that multiple developments would occur on the same block front and result in significant, adverse impacts on transportation. The incremental development at these sites would not exceed the minimum development densities for further analysis described in the *CEQR Technical Manual*. Therefore, the Proposed Actions would result in fewer than 50 peak hour vehicle trips, 200 peak hour subway/rail or bus transit riders, and 200 peak hour pedestrian trips at any one prototypical analysis site, and further analysis is not warranted.

Air Quality

The Proposed Actions would not result in any significant, adverse impacts on air quality.

Mobile Sources

The Proposed Actions would not result in significant, adverse impacts on air quality from mobile sources. The number of incremental vehicular trips generated by the Proposed Actions at any individual site would not result in mobile source impacts.

Stationary Sources

The Proposed Actions would not result in significant, adverse impacts on air quality from stationary sources. There would be no potential significant, adverse impacts on air quality from fossil fuel-fired heat and hot water systems associated with development at any individual site affected by the Proposed Action. Additionally, the Proposed Actions would not result in significant, adverse impacts from industrial or major emission sources.

Greenhouse Gas Emissions and Climate Change

The Proposed Actions would not result in significant, adverse impacts related to greenhouse gas emissions or climate change. The Proposed Actions would not involve other energy-intense projects or result in development greater than 350,000 square feet at any location. The Proposed Actions would conserve natural habitats and wetland areas that perform valuable ecosystem services, including stormwater absorption, flood mitigation, and temperature regulations; and as such, would serve to improve and strengthen the sustainability and resiliency of the City to climate change.

Noise

The Proposed Actions would not result in significant, adverse impacts related to noise. Increased traffic volumes, which would be the primary mobile noise source under the Proposed Actions, could be generated at some sites. However, none of the sites would generate traffic increases of 100 percent or more, which is equivalent to an increase of 3 A-weighted decibels or more. In addition, the Proposed Actions would not result in increased placement of sensitive receptors in proximity to trains, airports, or other mobile source generators. Rooftop mechanical equipment, including air conditioner compressors, for any potential development would be enclosed and would comply with New York City Noise Code requirements. As such, per guidance under the 2014 *CEQR Technical Manual*, the Proposed Actions would not significantly affect noise.

Public Health

The Proposed Actions would not result in significant, adverse impacts related to public health. The Proposed Actions would not result in significant, adverse impacts related to air quality, water quality, or noise. The Proposed Actions would potentially result in significant, adverse impacts related to hazardous materials due to increased ground disturbance, but the potential for these impacts to occur is expected to be limited and would not significantly affect public health. Therefore, further analysis is not needed, and adverse public health impacts are not expected as a result of the Proposed Actions.

Neighborhood Character

The Proposed Actions would not result in significant, adverse impacts on neighborhood character, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise. The Proposed Actions would not affect any defining features of neighborhood character nor would a combination of moderately adverse impacts affect the study area's defining features. Overall, the Proposed Actions are intended to strengthen neighborhood character through the preservation of unique topography and ecological conditions within the study area.

Construction

The Proposed Actions would not result in significant, adverse construction impacts. The Proposed Actions are not expected to result in any development where the duration of construction would exceed two years. Construction would be subject to the government regulations and oversight detailed below in *Construction Regulations and General Practices* and would employ the general construction practices described therein. In addition, any designated NYCL- or State/National Register-listed historic buildings located within 90 linear feet of a projected or potential new construction site would be subject to DOB's Technical Policy and Procedure Notice (TPPN) #10/88, which would ensure the protection of historic resources.

Mitigation

The Proposed Actions could result in significant, adverse impacts related historic and cultural resources (archaeological resources) and hazardous materials. As noted below, practicable and feasible mitigation has not been identified, and the impacts would remain unmitigated.

Historic and Cultural Resources—Architectural Resources

The Proposed Actions would not result in adverse impacts on architectural resources.

Historic and Cultural Resources—Archaeological Resources

The Proposed Actions could result in significant, adverse impacts on archaeological resources. The archaeological resources impact assessment concludes that although the Proposed Actions would not induce development on sites where development would not have otherwise occurred, they could result in ground disturbance on sites where archaeological remains exist; this disturbance is expected to be limited to a few prototypical analysis sites. Regardless, the ground disturbance could encounter previously unknown archaeological resources. As such, the possibility of significant impacts on archaeological resources cannot be eliminated. Given there are no known development sites at this time, no practical mitigation measures can be identified. Therefore, the Proposed Actions would result in unavoidable, adverse impacts on archaeological resources.

Hazardous Materials

The Proposed Actions would potentially result in significant, adverse impacts related to hazardous materials. The hazardous materials impact assessment concludes that although the Proposed Actions would not induce development on sites where development would not have otherwise occurred, the Proposed Actions could result in ground disturbance on some sites, resulting in a higher potential for impacts related to hazardous materials.

The Proposed Actions would not permit residential development in formerly commercial or manufacturing zones. Therefore, the prototypical analysis sites—which are in residential zoning districts—are unlikely to be located on areas with contaminated soils. Preparation of a Phase I environmental site assessment cannot be assumed and would not be required in the as-of-right framework proposed. Because no development sites have been identified at this time, the impacts related to hazardous materials cannot be quantified, and no practical mitigation measures can be identified. Therefore, the Proposed Actions would result in unavoidable adverse impacts related to hazardous materials.

Alternatives

No Action Alternative

The No Action Alternative assumes no discretionary actions and that the Proposed Actions would not be implemented. The significant, adverse impacts on archaeological resources and hazardous materials because of the Proposed Actions would be less likely to occur or would be otherwise mitigated through the existing discretionary review processes under the No Action Alternative. However, because current zoning regulations would remain in place and existing development trends are expected to continue, the No Action Alternative would fail to meet the purpose and need of the Proposed Actions.

No Unmitigated Impacts Alternative

The No Unmitigated Significant Adverse Impact Alternative eliminates the unmitigated, significant, adverse impacts, specifically those to archaeological resources and hazardous materials. Although the alternative would result in no unmitigated impacts, the analysis finds that the alternative would require substantial modifications to the Proposed Actions to the extent that the purpose and need would not be realized. Therefore, because the No Unmitigated Significant Adverse Impact Alternative would not meet the objectives of the Proposed Actions, it is not considered a feasible alternative.

Potential City Planning Commission Modifications Alternative

The Potential CPC Modification Alternative identifies changes to the proposed zoning text under consideration by CPC. This alternative modifies specific provisions of the SNRD. Like the Proposed Actions, the Potential CPC Modification Alternative is not expected to cause a significant change in the overall amount, type, or location of development in the proposed SNRD in Riverdale-Fieldston compared to the future No-Action condition. The Potential CPC Modification Alternative is expected to result in the same significant, adverse impacts related to archaeology and hazardous materials, as the Proposed Actions. Given there are no known development sites at this time, no practical mitigation measures can be identified. Therefore, like the Proposed Actions, the Potential CPC Modification Alternative has the potential to result in unavoidable, significant, adverse impacts related to archaeological resources and hazardous materials.

Conceptual Analysis

The conceptual analysis of the proposed discretionary actions concludes that future applications that seek newly created authorizations and discretionary approvals produced by the Proposed Actions have the potential to result in significant, adverse impacts. Because the potential for significant, adverse impacts depends on site-specific conditions and proposed development characteristics, it is difficult to predict the potential for impacts in the absence of specific applications.

It is not possible to predict whether discretionary actions would be pursued on any one site, and each action would require its own discretionary approvals. Any time an applicant applies for a discretionary action, the action would be subject to environmental review pursuant to *CEQR Technical Manual* guidance.

Unavoidable Significant Adverse Impacts

According to the 2014 *CEQR Technical Manual*, unavoidable, significant, adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if

mitigation is infeasible. As described in **Chapter 7**, *Historical and Cultural Resources*, and **Chapter 10**, *Hazardous Materials*, the Proposed Actions could result in significant, adverse impacts with respect to archaeological resources and hazardous materials. However, as presented in **Chapter 21**, *Mitigation*, no practicable mitigation measures were identified that would reduce or eliminate these impacts. Therefore, the Proposed Actions would result in the potential for unavoidable adverse impacts with respect to archaeological resources and hazardous materials.

Growth-Inducing Aspects of the Proposed Actions

The 2014 *CEQR Technical Manual* indicates an analysis of the growth-inducing aspects of a proposed action is appropriate when an action:

- adds substantial new land use, new residents, or new employment that could induce additional development of a similar kind or of support uses, such as retail establishments to serve new residential uses; and/or
- introduces or greatly expands infrastructure capacity.

The proposed zoning text and map amendments in-and-of-themselves are not expected to induce development or cause a significant change in the overall amount, type, or location of development. 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. The Proposed Actions are not expected to have a substantial effect on the development potential of sites, nor are they expected to modify the current housing development rate within the affected areas. As such, the Proposed Actions would not add substantial new land use, new residents, or new employment that could induce additional development of a similar kind or of support uses. The Proposed Actions would not affect the marketability of a building in any single zoning district over another and thus would not alter general market forces within any single neighborhood. In addition, the Proposed Actions would not greatly expand infrastructure. Therefore, the Proposed Actions would not result in secondary impacts.

Irreversible and Irretrievable Commitment of Resources

Several resources, both natural and built, could be expended in the construction and operation of any development that may result from the Proposed Actions. These resources include building materials used in construction of the project; energy in the form of natural gas, petroleum products, and electricity consumed during construction and operation of the building; and the human effort required to develop, construct, and operate various components of any potential development. These resources are considered irretrievably committed because their reuse for some other purpose would be impossible or highly unlikely.