

Appendix 10:  
Technical Memorandum 001

**TECHNICAL MEMORANDUM 001  
BRONX SPECIAL NATURAL AREA DISTRICT UPDATE  
(FORMERLY STATEN ISLAND AND BRONX SPECIAL DISTRICT UPDATE)**

**CEQR No. 19DCP083Y**

ULURP Nos.: C190403 ZMX, N190430 ZRY  
and N190430 (A) ZRY

**July 30, 2019**

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**A. INTRODUCTION**

The New York City Department of City Planning (DCP) proposed 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 Districts (CD) 1, 2, and 3 in Staten Island and CD 8 in the Bronx. The proposed SNRD regulations would provide a clear and consistent framework for natural resource preservation that would balance development and ecological goals. In Staten Island, the Proposed Actions also include targeted changes to the Lower Density Growth Management Area (LDGMA) ZR text and zoning text changes to cross-access requirements to further their original intended purposes of protecting neighborhood character and to make the regulations easier to apply.

The Proposed Actions include zoning text and related zoning map amendments that would affect the Special Natural Area District (SNAD) (Article X, Chapter 5), Special South Richmond Development District (SSRDD) (Article X, Chapter 7), and Special Hillside Preservation District (SHPD) (Article XI, Chapter 9) of the ZR. The Proposed Actions would affect Staten Island's SHPD in CD 1; Staten Island's SNADs (NA-1 and NA-3) in CD 1 and 2; Staten Island's SSRDD in CD 3; and the Bronx's SNAD (NA-2) in Riverdale and Fieldston, CD 8. The proposed zoning text amendment to LDGMA would affect all three community districts in Staten Island. In addition, the proposed text amendments to modify requirements for cross-access between non-residential accessory parking lots would apply to sites located within C4-1, C8, M1, M2, and M3 districts in Staten Island. The Proposed Actions would not affect the SNAD in Queens (NA-4).

The Draft Environmental Impact Statement (DEIS) for the Proposed Actions was accepted as complete on May 3, 2019, by DCP, acting on behalf of the City Planning Commission (CPC) as lead agency. A public hearing on the DEIS and the proposed amended application will be held on August 14, 2019. The time and place of the hearing have been publicly noticed.

Since the issuance of the DEIS, DCP has prepared and filed an amended zoning text application (referred to hereafter as the "A-Text Application") that addresses issues raised subsequent to the issuance of the DEIS, including community feedback. The A-Text Application (N 190430 (A) ZRY) would remove the Staten Island applicability of the proposed SNRD. Under the A-Text Application, the proposed SNRD regulations would only affect the Bronx's NA-2 District in Riverdale and Fieldston, and would no longer affect Staten Island's SHPD in CD 1, Staten Island's SNADs (NA-1 and NA-3) in CD 1 and 2, and Staten Island's SSRDD in CD 3, nor would it affect the LDGMA in Staten Island's CD 1, 2, or 3 or modify cross-access requirements

in C4-1, C8, M1, M2 and M3 districts in Staten Island. The A-Text application would establish the SNRD in the Riverdale-Fieldston area of Bronx CD8. The proposed modifications would not change the substance of the regulations as they applied to Bronx CD8 under the Proposed Actions as described in the DEIS, except as to the threshold for as-of-right subdivisions described below. Based on input received during the public review process, DCP formally withdrew the zoning map amendment (C190429 ZMR) affecting Staten Island.

This technical memorandum considers whether the A-Text Application would result in any new or different significant adverse environmental impacts not already identified in the DEIS. As set forth below, this technical memorandum concludes that the A-Text Application would not result in any new significant adverse impacts not already identified in the DEIS. The Proposed Actions identified the potential for significant adverse environmental impacts related to archaeological resources and hazardous materials where there is a potential for an increase in ground disturbance. The A-Text Application would continue to have the potential to result in significant adverse impacts related to archaeology and hazardous materials; although it would reduce the scale of significant adverse impacts identified in the DEIS given the substantial geographic reduction of the directly affected area. The analyses presented in the technical memorandum will be incorporated into the Final Environmental Impact Statement (FEIS).

## **B. A-TEXT APPLICATION MODIFICATIONS**

The changes proposed as part of the A-Text Application are in response to views expressed during the public review process, including requests from the Staten Island community, advocacy groups and elected officials for further engagement. Under the A-Text Application, the proposed zoning map and text amendments to the ZR would only modify special district regulations and establish the SNRD in CD 8 of the Bronx. The A-Text Application would remove the Staten Island applicability of the proposed SNRD and would affect only the Bronx's SNAD (NA-2) in Riverdale and Fieldston. The proposed modifications would not change the substance of the regulations as they applied to Bronx CD8 under the Proposed Actions as described in the DEIS, except as to the threshold for as-of-right subdivisions. The proposed modified zoning text is included as **Appendix 1**.

As modified, the SNRD would establish two new ecological area designations, *Base Protection Area* and *Resources Adjacent Area*, based on proximity to designated natural resources, such as large parks and forests. These areas would be represented as text maps in the ZR as part of the SNRD, as shown in **Appendix 1**.

With the removal of the Staten Island applicability, the A-Text Application would make the following changes to the zoning text as originally proposed:

- 1) Remove proposed zoning text related to LDGMA, cross-access, escarpment areas and designated open space.
- 2) Remove references to the Riverdale-Fieldston, Hillside (HS) and South Richmond (SRD) subdistricts; Special Hillside Preservation District (SHPD) and Special South Richmond Development District (SSRDD) would continue to remain as is, in the existing Zoning Resolution.
- 3) Remove any zoning districts that do not apply to the Bronx (the project area in the Bronx has R1-1, R1-2, R2, R4 and R6 zoning districts; it does not have R3 and R5 districts, or commercial or manufacturing districts).
- 4) Remove Staten Island text maps and references from the appendix as well as appendices that

have no applicability to Bronx.

- 5) Add back into current Special Natural Area District (SNAD) text all references to NA- 1, NA-3, NA-4. These parts of the Zoning Resolution were to be eliminated under the original proposal, but now would continue to remain as is, in the existing Zoning Resolution.
- 6) Remove administrative zoning text amendments related to Fort Totten, as the existing Zoning Resolution would continue to include NA-4, alongside NA-1 and NA-3. Since NA-1 and NA-3 would remain, NA-4 would not need to be renamed as the Special Fort Totten Natural Area District.
- 7) Renumber section numbers in the proposed text amendment due to the removal of Sections 143-20 (SPECIAL USE REGULATIONS) (which would only apply in the South Richmond special district) and 143-50 (SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK), among other Sections which were removed.

In addition, the revised application includes a substantive change in response to public comment in the Bronx to require subdivisions resulting in four or more zoning lots to seek a CPC authorization as a Plan Review Site.<sup>1</sup> In the zoning text amendment originally proposed, subdivisions would only be required to seek a CPC authorization as a Plan Review Site if the site is over one acre, within a Historic District, or in Resource Adjacent Area resulting in four or more lots. The change in the A-Text Application would expand applicability of the CPC authorization as a Plan Review Site to any subdivision resulting in four or more zoning lots. This change would result in fewer developments proceeding as-of-right.

### **A-Text Application Reasonable Worst Case Development Scenario (RWCDs) Sites**

The A-Text Application would result in some changes to the generic RWCDs framework presented in the DEIS and accordingly, a modified generic RWCDs was created for the A-Text Application. As described in the DEIS, generic analyses identify typical cases that can reasonably typify conditions of the proposal, and identify the range of conditions under which the actions may take place. To assess the effects of the Proposed Actions as originally proposed, 16 representative, prototypical analysis sites were identified to serve as a tool to demonstrate the types and range of conditions to which the Proposed Actions would apply.

Under the A-Text Application, changes in the special district rules could affect 1,003 properties in Bronx CD 8. The majority of these properties (roughly 83 percent) are occupied by one- or two-family residences, approximately 5 percent contain multifamily apartment buildings, and the remaining 12 percent contain institutional uses. Like the Proposed Actions, given the broad applicability of the A-Text Application in the Bronx's existing NA-2 district in Riverdale and Fieldston, it is difficult to predict specific sites where development would occur. Furthermore, like the Proposed Actions, the A-Text Application is not in-and-of-itself expected to induce development where it would not have occurred absent the modifications, and while it may change the portion of sites proceeding as-of-right, the overall amount, type, or location of development is not expected to change. Given the generic nature of the proposal and modifications, there are no known or projected development sites identified as part of the RWCDs. As described previously, under the proposed A-Text Application, the directly affected area ("project area") would be significantly reduced as compared to the Proposed Actions because it would no longer include any portion of Staten Island. As shown in **Figure 1**, the project area would be limited to the existing NA-2 Special District in the

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<sup>1</sup> This additional change can be found in the definition of "plan review site" in Section 143-01 (Definitions) in the proposed zoning text (see **Appendix 1**).

Bronx, which includes the following five underlying low-and medium-density residential zoning districts: R1-1, R1-2, R2, R4, and R6. The project area does not include any commercial or manufacturing zoning districts.

Given the significant reduction in the project area, a number of the identified representative prototypical analysis sites in the DEIS would no longer be applicable under the A-Text Application, as these sites would no longer reflect conditions that could potentially exist within the proposed SNRD in CD8 of the Bronx.<sup>2</sup> Thus, the number of prototypical analysis sites would be reduced under the A-Text Application. Only four of the 16 identified prototypical analysis sites in the DEIS typify conditions that could potentially occur in the directly affected area under the A-Text Application (i.e., these four sites include applicable underlying residential zoning districts and would have representative ecological subarea designations under the A-Text Application).

**Table 1** provides a list of prototypical analysis sites 3, 7, 8 and 10, which represent generic, hypothetical site locations in the SNRD that could exist under the A-Text Application. Similar to the Proposed Actions, these four prototypical analysis sites serve as a tool to demonstrate the range of how the proposed regulations could apply to sites that would be developed as-of-right in the future with approval of the A-Text Application. These sites represent a range of potential development scenarios and 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 A-Text Application. No new prototypical analysis sites would be added under the A-Text Application.

**Table 1: Prototypical Analysis Sites Under the A-Text Application**

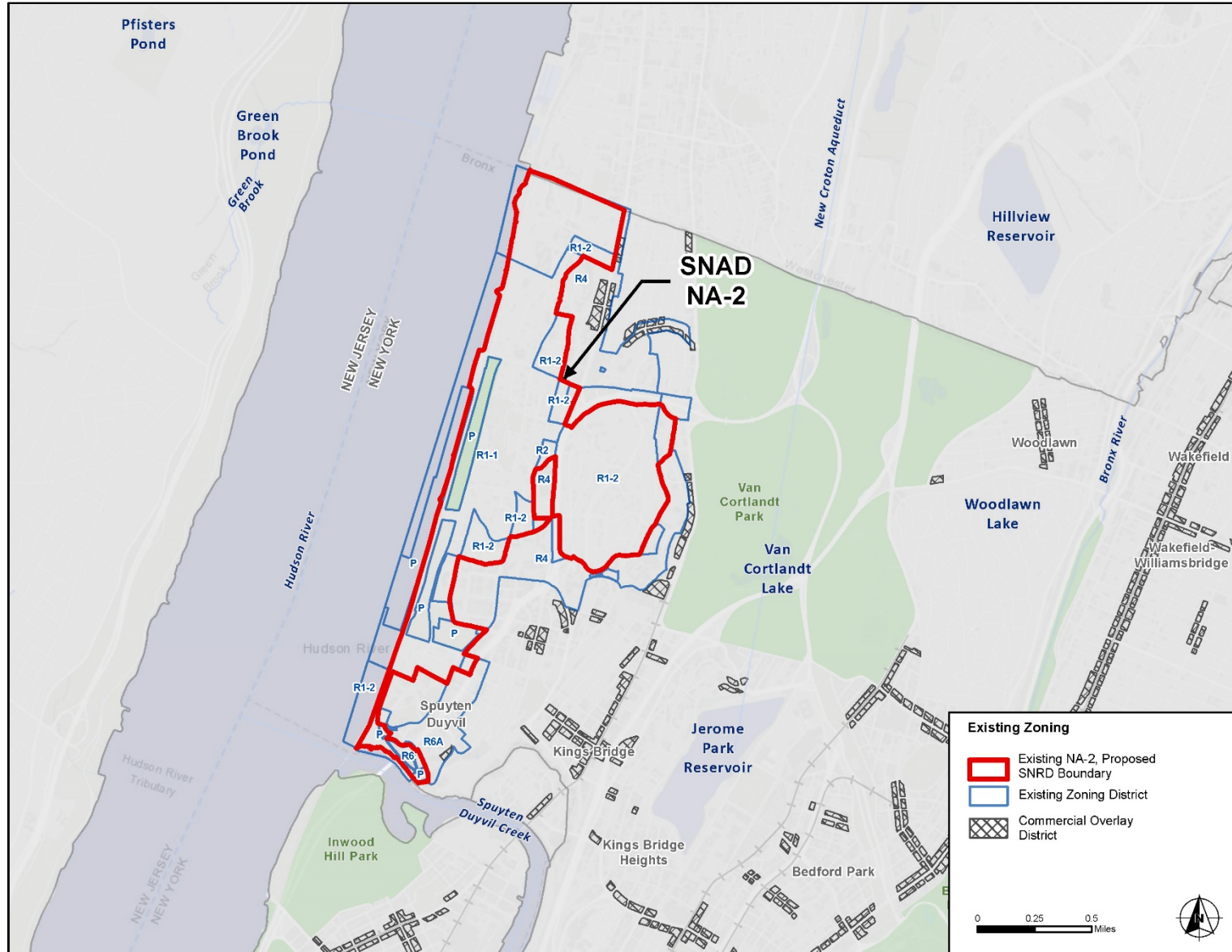
ID	Zoning District	Current Special District	Proposed Ecological Area	Typology	Lot Area (SF)	Width (feet)	Depth (feet)
3	R1-2	SNAD	Base Protection	1-F Detached (enlarge)	6,000	60	100
7	R2	SNAD	Base Protection	1-F Detached	4,500	45	100
8	R1-1	SNAD	Base Protection	1-F Detached	12,000	120	100
10	R1-2	SNAD	Resource Adjacent	1-F Detached	8,000	80	100

**Notes:** 1-F: one-family

Given that the A-Text Application would not modify the amount or type of development that occur at these four remaining prototypical analysis sites as compared to the Proposed Actions, there would be no change to the amount of development, massing, or to the uses assumed on these sites. The No-Action and With-Action development frameworks for these four prototypical analysis sites under the A-Text Application would be the same as presented in the DEIS for the Proposed Actions.

<sup>2</sup> Twelve of the 16 identified prototypical analysis sites in the DEIS (including sites 1, 2, 4, 5, 6, 9, 11, 12, 13, 14, 15 and 16) would no longer be applicable under the A-Text Application, given the respective site's underlying zoning district, proposed ecological area, and/or typology, and therefore, would be removed from further consideration.

Figure 1 SNAD NA-2, Proposed Special Natural Resources District (SNRD)



## **A-Text Application Conceptual Analysis Sites**

Like the Proposed Actions, the A-Text Application would create new discretionary actions to be considered by the CPC; therefore, an assessment of the potential environmental impacts that could result from these modifications within the proposed SNRD in Riverdale and Fieldston, CD 8 is warranted. However, consistent with the assessment provided in the DEIS for the Proposed Actions, it is not possible to predict whether a discretionary action would be pursued on any one site in the future, and therefore, the RWCDs for the A-Text Application does not consider special development that would seek these actions. Instead, like the Proposed Actions, a conceptual analysis is provided to understand how the new discretionary actions could be used and to assess the potential generic environmental impacts that could result. However, all potential significant, adverse impacts related to these future discretionary actions under the A-Text Application would be disclosed through environmental review at the time of the application.

Given the significant reduction in the directly affected area under the A-Text Application, two of the identified conceptual analysis sites in the DEIS (sites 4 and 5) would no longer be applicable, as these sites would no longer reflect conditions that could potentially exist in the proposed SNRD in Riverdale and Fieldston, CD 8. Conceptual analysis site 3 (R4 with community facility development plan comprising approximately 46-acre campus) would continue to be applicable and would represent a generic, hypothetical site location and typify conditions that could exist under the A-Text Application. In addition, conceptual analysis sites 1 and 2 are relevant in general, but these sites will be updated for the FEIS to analyze more relevant zoning districts.

## **Revised Environmental Analyses Due to the A-Text Application**

This section presents revised analyses based on the proposed A-Text Application. As described previously, a subset of four prototypical analysis sites applicable under the A-Text Application will be used to assess whether the A-Text Application would result in new or different significant adverse impacts than disclosed under the Proposed Actions analyzed in the DEIS. Given that the A-Text Application would not modify the amount or type of development that could occur at these four prototypical analysis sites as compared to the Proposed Actions, there would be no change to the amount of development, massing, or to the uses assumed at these sites.

Similar to the Proposed Actions, the A-Text Application is not expected to cause a significant change in the overall amount, type, or location of development in the proposed SNRD in Riverdale-Fieldston as compared to the future No-Action condition. The A-Text Application would not induce development where it would not have occurred absent the proposed modifications.

As discussed in detail below, the A-Text Application is expected to result in the same or reduced significant adverse impacts related to archaeology and hazardous materials, as identified in the DEIS. Given there are no known development sites at this time, no practical mitigation measures can be identified. Therefore, like the Proposed Actions, the A-Text Application has the potential to result in unavoidable, significant adverse impacts related to archaeological resources and hazardous materials.

***Land Use, Zoning and Public Policy***

Like the Proposed Actions, the A-Text Application would not result any significant adverse impacts on land use, zoning, and public policy. The A-Text Application would not directly displace any land uses in any of the affected zoning districts in the existing NA-2 district of the Bronx to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning or public policies. Like the Proposed Actions, the A-Text Application would not change the underlying zoning or permitted uses, and therefore, it would not create land uses or structures that would be incompatible with underlying zoning or conflict with public policies, including the Waterfront Revitalization Program (WRP). The A-Text Application would create a framework for new development in the proposed SNRD of the Bronx with significant natural features to protect and enhance the City's most ecological sensitive resources.

***Archaeological Resources***

Like the Proposed Actions, the A-Text Application may result in significant, adverse impacts related to archaeological resources. The A-Text Application, similar to the Proposed Actions, would eliminate discretionary review procedures on certain small sites, which would allow development to occur as-of-right on certain small sites. As such, additional ground disturbance may occur where archaeological remains exist. The extent of effects on archaeological resources is unknown because of the generic nature of the A-Text Application, 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, and the potential for impacts on archaeological resources cannot be eliminated.

However, the extent of the potential impact is expected to be limited. Like the Proposed Actions, the A-Text Application is 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. Because the A-Text Application would be limited to the existing NA-2 District in the Riverdale and Fieldston sections of the Bronx—a substantially smaller area than that which would be affected under the Proposed Actions—the potential for as-of-right development and additional ground disturbance would be substantially lower. The A-Text Application would also require all subdivisions resulting in four or more zoning lots to seek a CPC authorization for Plan Review Sites, further limiting the number of development sites proceeding as-of-right and reducing the potential for impacts related to archaeological resources.

***Hazardous Materials***

Like the Proposed Actions, the A-Text Application could potentially result in significant, adverse impacts related to hazardous materials. The A-Text Application, similar to the Proposed Actions, would eliminate discretionary review procedures on certain small sites, which would allow development to occur as-of-right and could result in increased ground disturbance at some sites where hazardous materials may be present. The extent of effects of hazardous materials are unknown because of the generic nature of the A-Text Application, 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, and the potential for impacts related to hazardous materials cannot be eliminated.



However, the extent of additional ground disturbance is expected to be limited. The A-Text Application is not expected to result in development in areas that contain contaminated soils because it would not permit residential development in formerly commercial or manufacturing zones and because it would apply only to residential zoning districts. The directly affected area under the Proposed Actions includes commercial zoning districts and commercial zoning overlays, whereas under the A-Text Application, the directly affected does not contain commercial zoning districts or overlays. Development of small residential parcels is generally considered a “Type II” action under SEQRA, meaning that these actions would not have a significant, adverse impact on the environment related to the creation of a hazard to human health or other factors (6 CRR-NY 617.7(c)).

Because the A-Text Application would be limited to the existing NA-2 District in the Riverdale and Fieldston sections of the Bronx, the potential for as-of-right development and additional ground disturbance would be substantially lower relative to the Proposed Actions. The A-Text Application also would result in less as-of-right development because it would require subdivisions resulting in four or more zoning lots to seek a CPC authorization for Plan Review Sites, thus further reducing the associated potential for impacts related to hazardous materials.

### ***Conceptual Analysis***

Like the Proposed Actions, the conceptual analysis of the proposed discretionary actions under the A-Text Application concludes that future applications that seek newly created authorizations and discretionary approvals under the A-Text Application 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.

## **D. CONCLUSION**

This technical memorandum examined whether the A-Text Application would result in any new or different significant adverse environmental impacts not already identified in the DEIS. The proposed zoning text amendment to establish the SNRD in Riverdale and Fieldston, CD8 of the Bronx is expected to result in the same or fewer significant adverse impacts related to archaeology and hazardous materials, as identified in the DEIS for the Proposed Actions due to the reduced geographic scope of the A-Text Application compared to 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 A-Text Application has the potential to result in unavoidable, significant adverse impacts related to archaeology and hazardous materials.