



# STATEN ISLAND ZONING RELIEF

*Special South Richmond Development District*

Working Group Meeting

November 1, 2022

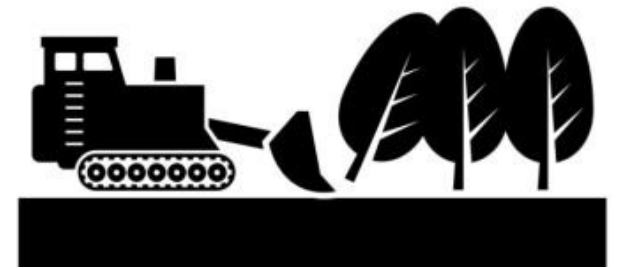




*“Why is the approval process so **complex and burdensome** for smaller projects?”*



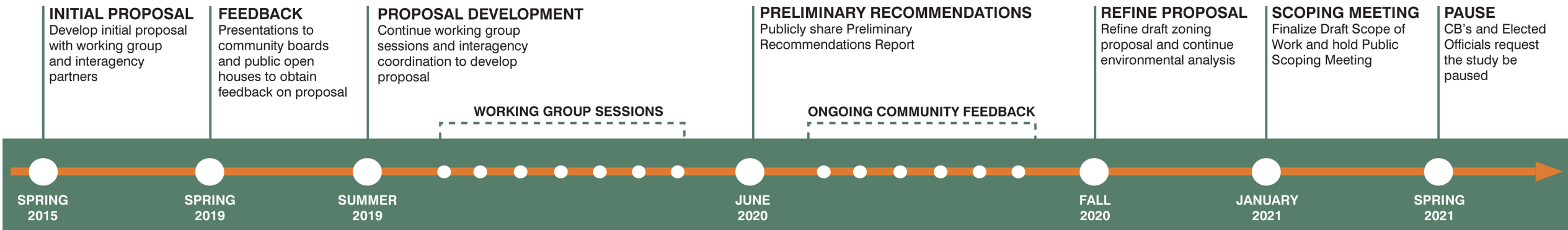
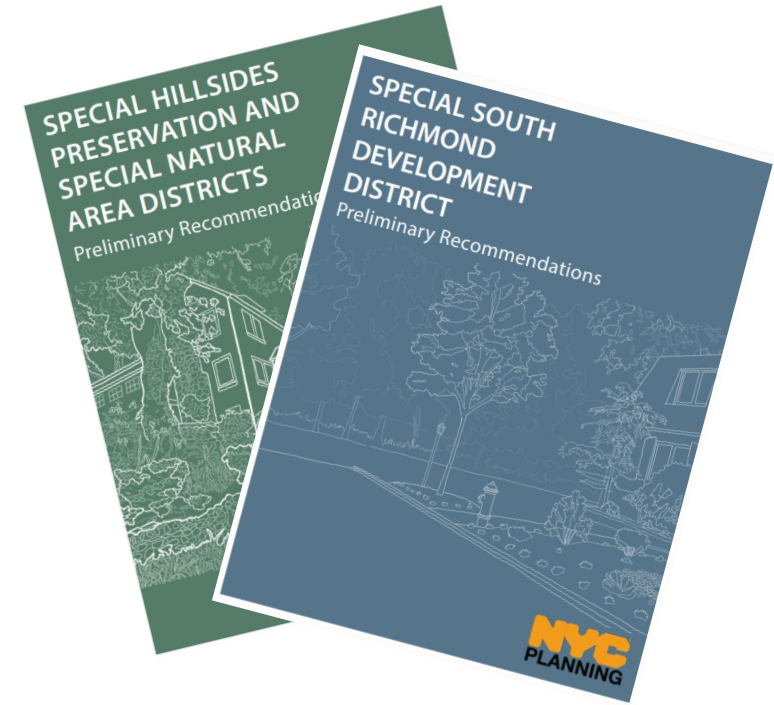
*“Why do homeowners need to spend extra **time and money** for CPC approvals unlike other areas of the Borough?”*



*“Why can’t the City focus review on **larger sites** with sensitive natural features?”*

# Goals previously established by the Working Group

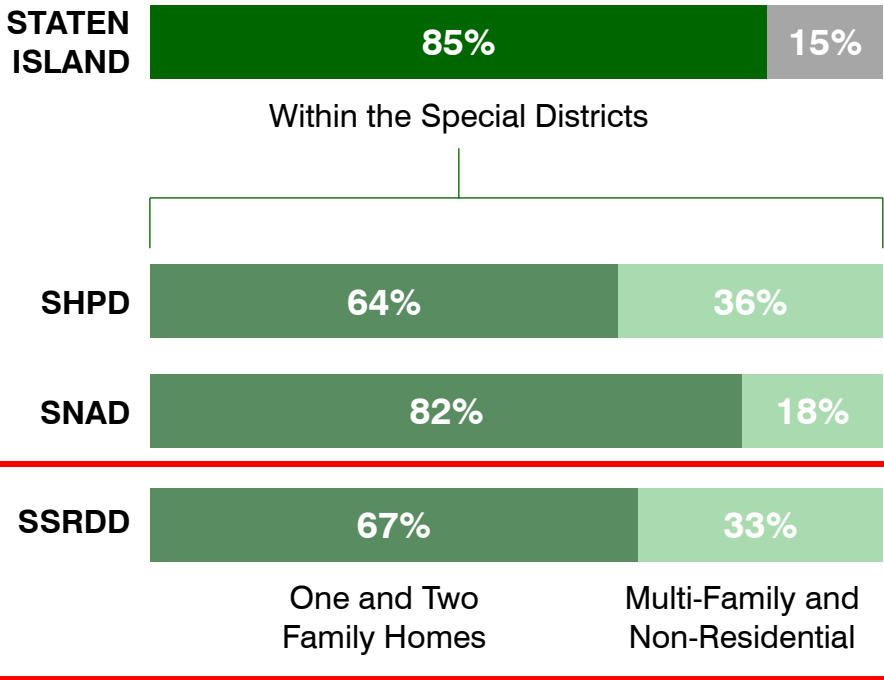
- Create **home-owner friendly** zoning regulations by **simplifying** the CPC approval process and removing red-tape for **small properties** and individual homeowners.
- Provide **greater predictability** for natural feature preservation and neighborhood character with clearer rules based on **50 years of best practices**.
- Improve regulations to give the CPC and community **greater oversight** on **larger sensitive sites** that have a significant impact on SI residents and the public realm.



## Current Zoning Text

- Current SSRDD zoning text and review structure is primarily focused on **one- and two-family homes**.
- **Lack of meaningful public input** due to the current structure of Certifications, Authorizations, and Special Permits.
- Majority of applications are **simple Certifications** which are ministerial approvals and do not allow the CPC to provide meaningful discretion (*44% for Subdivision or School Seats*).

## Application Type and Workload



## EXISTING APPROVALS

|       | Cert | Auth | SP |
|-------|------|------|----|
| SHPD  | 2    | 9    | 1  |
| SNAD  | 3    | 10   | 2  |
| SRD   | 9    | 10   | 7  |
| Total | 14   | 29   | 10 |





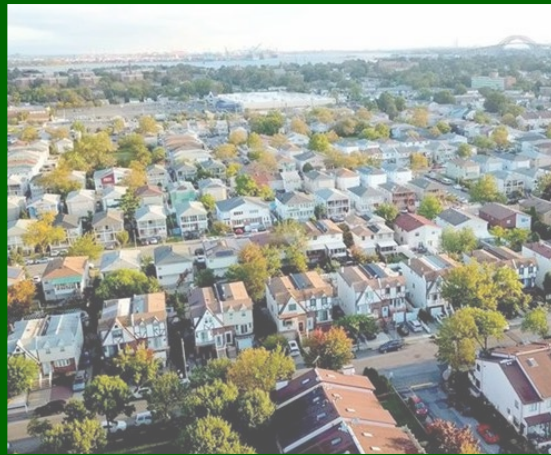
|                      |  |
|----------------------|--|
| <b>As-of-Right</b>   | <ul style="list-style-type: none"><li>• Most <b>small sites</b> (less than 1 acres) would be filed directly at DOB</li><li>• Includes sites with <b>no sensitive natural features</b></li><li>• <b>Remove outdated zoning</b> regulations which have extremely limited or no applicability today</li><li>• New zoning rules would be codified based on 50 years of <b>prior approvals and best practices</b></li></ul> |
| <b>CPC/CB Review</b> | <ul style="list-style-type: none"><li>• <b>Large sites</b> over 1 acre</li><li>• Developments with <b>private roads</b></li></ul>  |

# South Richmond Proposal

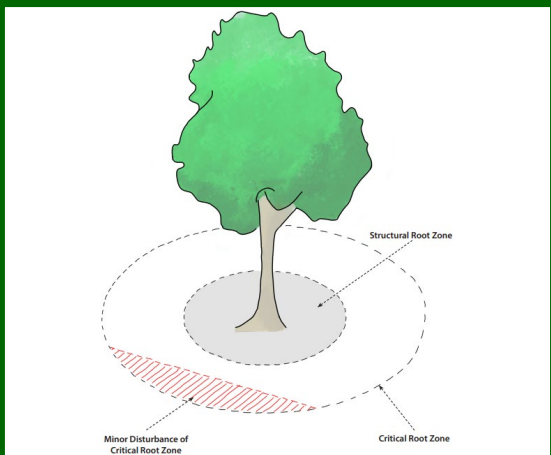
## 1. Special Area & Park Street



## 2. Subdivisions & SS



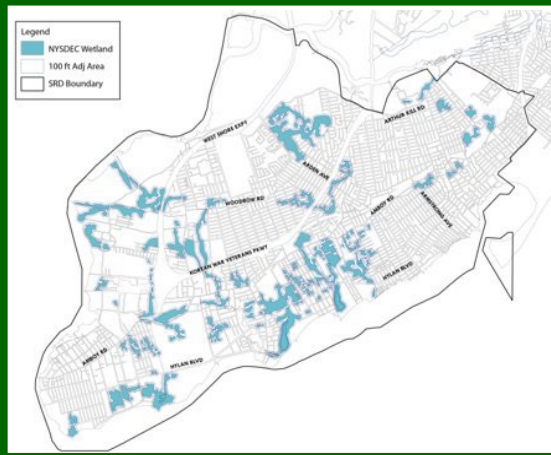
## 3. Tree Planting



## 4. Designated Open Space



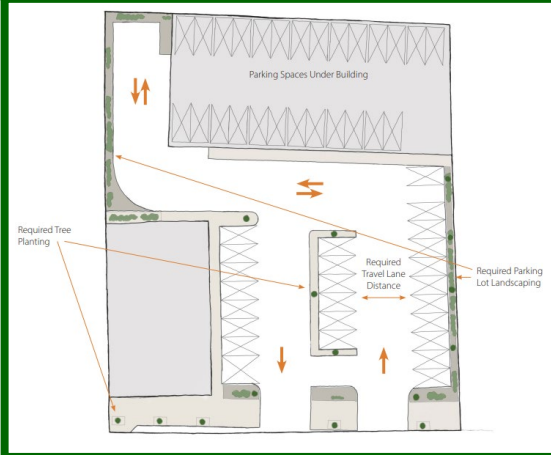
## 5. Wetlands



## 6. Arterial Streets



## 7. Group parking +30



## 8. CPC Plan Review Sites





# 1. Special Areas D, F, & K and Park Streets

## Issues

- **Conditions have changed** since the Special Areas and Park Streets were mapped in 1975.
- Area D – Park acquisitions and DEC wetland mapping have introduced **new protections**.
- Areas F and K – **rules no longer apply** as the areas have been fully developed per underlying zoning.
- Park Streets – curb cut and setback rules were made **redundant by LDGMA text**, and street tree planting requirements are now in underlying zoning text (ie. street tree and front yard planting requirements).



## Potential Solutions

- **Remove** Special Areas D, F, and K from the text.
- **Remove** Park Street designations from the text (ie. Marcy Ave, Albee Ave, Grantwood Ave, Miles Ave, and Barlow Ave).







# 2b. School Seats

## Issues

- **Outdated zoning** – the School Seat Certification was created at a time when SSRDD had little public school infrastructure with no Capital Agency to track the need for capacity.
- The SCA has been utilizing a **separate methodology to determine school capacity** for several years.
- Approvals expire after one year and are **frequently renewed** if substantial construction has not been completed which further delays projects.

## Potential Solutions

- **Remove the School Seat Certification** from the zoning text.
- Allow the SCA to continue utilizing their **Capital Plan to project school capacity** and future need as they have been doing for years.
  - *From SCA PSR dataset: “the new projected Public School Ratio is developed using Census data, housing completions from DOB, and administrative enrollment data from DOE”.*

Capital Plan Reports & Data

Home - Community - Capital Plan Reports & Data

Overview | Capital Plan | Demographic Projection | Enrollment, Capacity & Utilization

Housing Projections | Sub-District Maps | Local Law 167 Reports

The Enrollment, Capacity & Utilization Report is an annual document that provides information on school organization and school building utilization. The utilization data is derived by using information from the Principal Annual Space Survey where principals report on how spaces are being used during a given school year. This Report is designed to provide a standardized assessment of capacity for each school and school building and assist decision-making relative to space utilization.

Enrollment, Capacity and Utilization Report 2019 - 2020

Enrollment, Capacity and Utilization Report 2018 - 2019

Enrollment, Capacity and Utilization Report 2017 - 2018

Enrollment, Capacity and Utilization Report 2016 - 2017

Enrollment, Capacity and Utilization Report 2015 - 2016

Enrollment, Capacity and Utilization Report 2014 - 2015

Enrollment, Capacity and Utilization Report 2013 - 2014

Overview | Capital Plan | Demographic Projection | Enrollment, Capacity & Utilization

Housing Projections | Sub-District Maps | Local Law 167 Reports

New housing development projects can stress the local schools by introducing an influx of new students. The Department of Education collaborates with other City Agencies to develop a comprehensive list of new housing starts and incorporates the expected increase in school-age population into its projections. Following are housing projection reports used in developing the projections.

Projected New Housing Starts as Used in 2020-2029 Enrollment Projection

Projected Public School Ratio

# 3. Tree Planting

## Issues

- Many homeowners are unaware of today's rules which make it difficult to enforce and results in violations/fines.
- Any **tree removal** outside of a building and/or parking area **requires CPC Authorization** on the zoning lot.
- Existing rules don't encourage the preservation of **mature trees**.

## Potential Solutions

- **Minimum tree requirements will remain the same.**
- **Remove CPC Authorization** for tree removals **on small sites** while retaining DOB review for minimum tree credit requirements.
- Update tree credit system to **incentivize tree preservation**.
- **Establish best practices** to ensure the health and longevity of newly planted trees.



| Existing | 1 | 1 | 2 | 3 | 4 | 4 | 5 | 6 | 7 | 7 | 8 | 9 | 10 |
|----------|---|---|---|---|---|---|---|---|---|---|---|---|----|
|----------|---|---|---|---|---|---|---|---|---|---|---|---|----|

|  |    |    |     |     |     |     |     |     |     |     |     |     |     |
|--|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|  | 6" | 9" | 12" | 15" | 18" | 21" | 24" | 27" | 30" | 33" | 36" | 39" | 42" |
|--|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

| Proposed | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|----------|---|---|---|---|---|---|---|---|---|----|----|----|----|
|----------|---|---|---|---|---|---|---|---|---|----|----|----|----|

# 4a. Designated Open Space – Text Maps

## Issues

- **Unclear dimensions** in the Text Maps.
- Mapped over improved and traveled **streets**.
- Mapped either across or adjacent to **existing building footprints** restricting usable rear yard for homeowners.

## Potential Solutions

- **Clean-up the map** to clarify the location of DOS and **digitize** the map by adding a layer to ZoLa.
- **Adjust DOS boundaries** that intersect with buildings on private property which do not have any of the following conditions: Flood Zone, DEC wetland or adjacent area, DEP Bluebelt, Connection to Open Space Network.





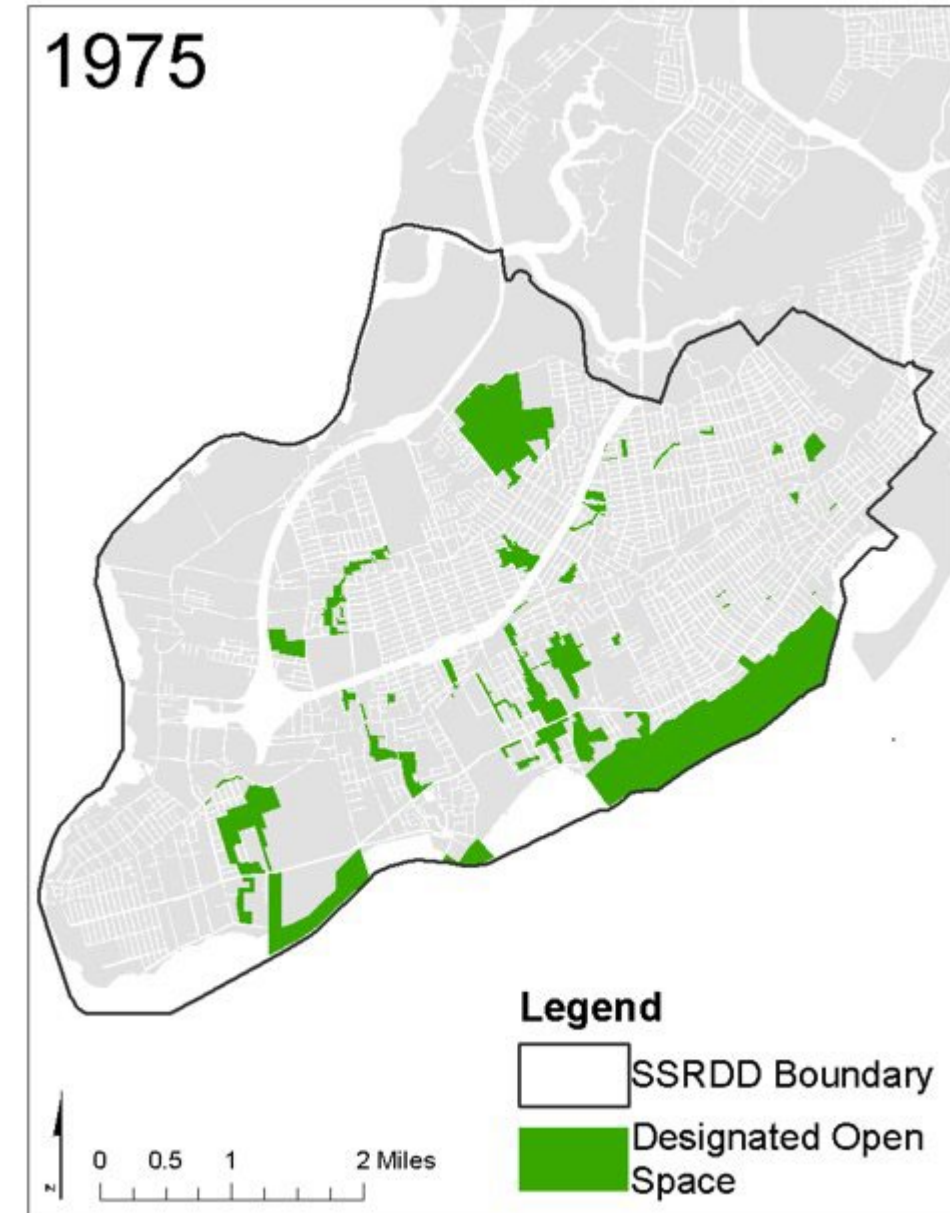
## 4b. Designated Open Space – Regulations

### Issues

- Any private property with DOS requires **CPC review** even if no portions of the DOS are being altered.
- DOS rules have required CPC review for **DEP Bluebelt** projects.
- CPC can require public pedestrian ways on all DOS sites but have typically only required them on larger sites.

### Potential Solutions

- If DOS isn't being altered, focus CPC/CB review on **DOS sites 1 acre or larger** where public pedestrian ways could be beneficial.
- As-of-right yard/bulk modifications to preserve DOS.
- Allow DEP to conduct their **separate public review process** for proposed Bluebelts, as they currently do today, without needing extra CPC review.



# 5. Sites with DEC Freshwater Wetlands

## Issues

- DEC reviews projects on a case-by-case basis and, when necessary, establishes an “**Area of No Land Alteration**” that can occupy a majority of a homeowner's yard or property.
- SSRDD goals identify the preservation of wetland areas, but do not provide enough **zoning flexibility** to accommodate development rights on sites with wetlands or wetland adjacent areas.

## Potential Solutions

- **Allow minor yard/bulk modifications** as-of-right to maintain development rights if and when DEC requires an “Area of No Land Alteration” on a private property. *(Not in current ZR)*
- Create zoning rules to **establish useable open area** between the side of a building and DEC “Area of No Land Alteration”, to ensure space for pools, patios, parking, etc. *(Not in current ZR, but is a CPC best practice)*

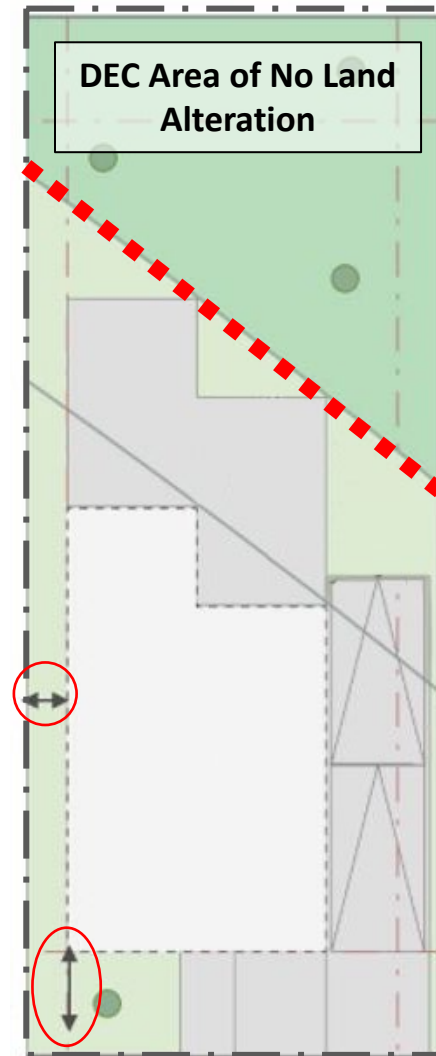
### Question

- Should we create a new CPC approval when DEC wetland rules result in an infeasible development and as-of-right zoning tools aren't enough? *(Requires BSA review today)*

Optional Zoning mods outside of DEC area

Side yard modified to 4'

Front yard modified to 10'



# 6. Arterial Streets

## Issues

- Arterial streets policy has been **applied inconsistently**.
  - Building setback rules refer to the text map while curb cut rules should apply along the entirety of an arterial street.
- Additional **curb cuts** are prohibited even if required by other agencies for emergency access or improved circulation.
- **Setback requirements** impact neighborhood character in historic town centers which have streetwall buildings.

## Potential Solutions

- **Clean-up inconsistencies** between the Zoning Text (ie. 107-25) and the Arterial Text Map (ie. Appendix A).
- **Additional curb cuts** allowed on arterials with DOT review:
  - As-of-right for lots with access solely to an arterial.
  - Certification for lots with access to a non-arterial.
- Update setback map to allow **streetwall buildings** in town centers.
  - Remove 16k feet, Add 38k feet, Retain 280k feet





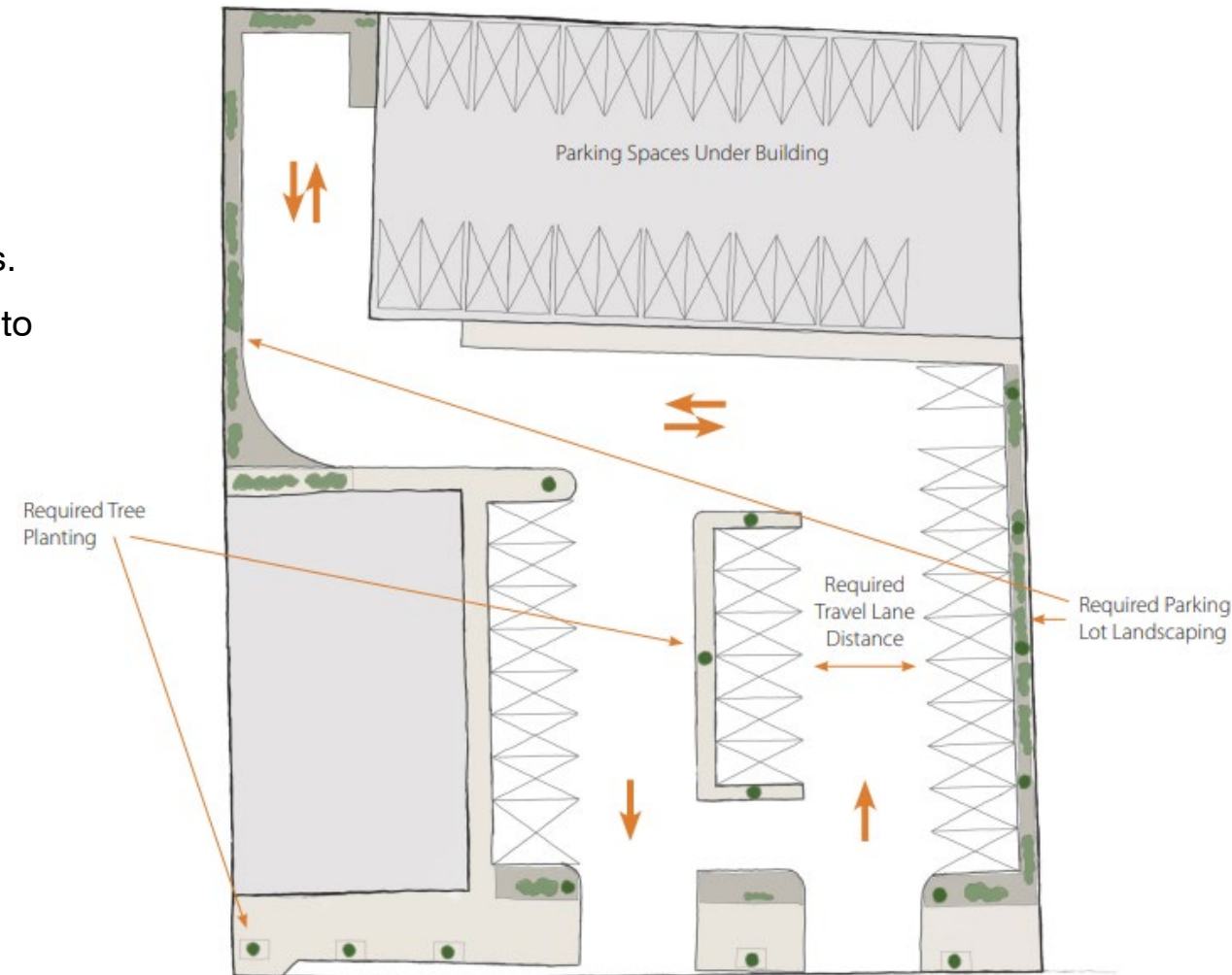
# 7. Group Parking Facility over 30 spaces

## Issues

- Current zoning rules include a **narrow scope of findings** which limit CPC/CB feedback on the overall design of a development.
- Underlying zoning rules were adopted in 2007 for **parking lot landscaping and maneuverability** to address group parking facilities.
- **Sites less than 1 acre are limited** in CPC/CB review due to needing to meet zoning, parking, building, and fire code requirements.
- **Large sites for manufacturing/industrial facilities** with low parking requirements do not always require CPC or CB review.

## Potential Solutions

- Strengthen and focus **CPC and Community Board review** to include any site **greater than 1 acre**.
- **Improve the CPC findings** to preserve neighborhood character and natural features while providing adequate circulation.



# 8. Plan Review

## Questions

- An **online map** could identify existing conditions to determine the extent of review and which type of land use action is required.
- Strengthen CPC/CB **review on larger sites** (1+ acre) to strengthen the findings and allow holistic input on site design and natural features.
  - For small sites less than one acre, should there be a threshold for sensitive sites with DOS or wetlands? Or should all small sites be as-of-right?
  - How should the CPC regulate natural features on large sites?
  - Should minor alterations on an existing site (ie. removing a few trees or adding a pedestrian pathway) be a Certification or an Authorization?





- **November 2022**

- DCP to share Plain Language proposal with WG members

- **December 2022**

- 2nd WG meeting focused on Plan Review Authorizations
- DCP to share Draft Zoning Text with WG members

- **January/February 2023**

- DCP presentation at Community Board 3 General Board meeting
- 3rd WG Meeting to solicit feedback on Draft Zoning Text

- **February/March 2023**

- 4th WG meeting to finalize Zoning Text for referral to broader public

