



## Legislation Text

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File #: Res 0822-2005, Version: \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 822

Resolution approving the decision of the City Planning Commission on Application No. N 050093 ZRY, an amendment to the text of the Zoning Resolution relating to Article X, Chapter 5 (Special Natural Area District) (L.U. No. 398).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on January 12, 2005 its decision dated January 5, 2005 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 050093 ZRY) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2005;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 20, 2004 (CEQR No. 05DCP016Y);

RESOLVED:

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

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Matter Underlined is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;

\* \* \* indicate where unchanged text appears in the Zoning Resolution

12-10

**DEFINITIONS**

**Special Mixed Use District** (12/10/97)

\* \* \*

**Special Natural Area District** ~~(12/19/74)~~

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply to ~~#developments#~~ or ~~#site alterations#~~. The ~~#Special Natural Area District#~~ appears on the ~~#zoning maps#~~ superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed. The ~~#Special Natural Area District#~~ includes any district whose designation begins with the letters "NA."  
\_.

~~#Special Natural Area Districts#~~ may be mapped only in areas where outstanding ~~#natural features#~~ or areas of natural beauty are to be protected. The preservation of such areas is important because they contain areas of special ecological significance, interesting geological formations and rock outcrops, unique aquatic features such as tidal wetlands, unique topographic features such as palisades, valleys and hills, important plant life such as glaciated oak-chestnut forests or because they serve as habitats for native flora and fauna. A ~~#Special Natural Area District#~~ may include one or more ~~#natural features#~~.

A ~~#public park#~~ may be included in a ~~#Special Natural Area District#~~ only where it is part of a designated larger natural ecological system.

**Special Northside Mixed Use District** (3/18/76)

\* \* \*

~~12/19/74~~

**Article X - Special Purpose Districts**

**Chapter 5**

**Special Natural Area District**

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12/19/74

## Chapter 5

### Special Natural Area District

## 105-00

### GENERAL PURPOSES

The "Special Natural Area District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;
- (b) to preserve land having qualities of exceptional recreational or educational value to the public;
- (c) to protect aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (d) to ~~limit erosion associated with development by conservation of vegetation and protection of natural terrain~~ reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain; and
- (e) to preserve hillsides having unique aesthetic value to the public; and
- (ef) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and thereby ~~to~~ protect the City's tax revenues.

12/19/74

## 105-01

### Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

#### Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private

roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

#### Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S_A = \frac{L}{A} \times 100$$

#### Where:

S - average percent of slope

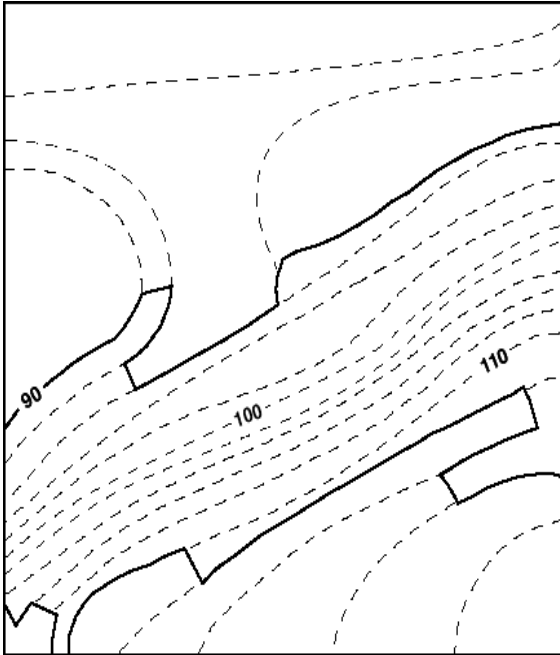
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#

100 - factor which yields slope as a percentage

#### CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT ILLUSTRATIVE EXAMPLE



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where:

X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, such as the map pictured here. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch. Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

#### Buildable area

A "buildable area" is a portion of a #zoning lot# excluding #steep slopes#.

#### Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

#### Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

#### Development

For the purposes of this Chapter, a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, the #use# of a tract of land for a new #use#, or an #enlargement# of a non-#residential# building or portion thereof.

To "develop" is to create a #development#.

#### Hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

## Natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within a #Special Natural Area District#.

## Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing ~~non-#residential # buildings or other structures#~~ which includes land contour work, topographic modifications, removal of top soil, vegetation, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any other #natural features#, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies.

~~In all #Special Natural Area Districts# other than the NA-3 District, the requirements set forth herein shall not apply to any #site alteration# on a #zoning lot# of less than 40,000 square feet containing #residential buildings# on the effective date of the Special District designation.~~

## ~~Special Natural Area District~~ (repeated from Section 12-10)

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA", in which special regulations set forth in Article X, Chapter 3 apply to all #developments# or #site alterations#. The #Special Natural Area District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".

#Special Natural Area Districts# may be mapped only in areas where outstanding #natural features# or areas of natural beauty are to be protected. The preservation of such areas is important because they contain areas of special ecological significance: interesting geologic formations such as rock outcrops, unique aquatic features such as tidal wetlands, unique topographic features such as palisades, valleys, and hills, important plant life such as glaciated oak-chestnut forests or because they serve as habitats for native flora and fauna. A #Special Natural Area District# may include one or more #natural features#.

A #public park# may be included in a #Special Natural Area District# only where it is a part of a designated larger natural ecological system.



### Staging area

A "staging area" is any area on a #zoning lot# used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

### Steep slope

A "steep slope" is a portion of a #zoning lot# with an incline of 25 percent or greater. However, a portion of a #zoning lot# with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than ten feet, measured along the horizontal plane, unless such portions in the aggregate equal ten percent or more of the area of the #zoning lot#.

### Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

### Tier I

A "Tier I" #development#, #enlargement# or #site alteration# is any #development#, #enlargement# or #site alteration# that occurs on a #zoning lot# having an #average percent of slope# of less than 10 percent.

### Tier II

A "Tier II" #development#, #enlargement# or #site alteration# is any #development#, #enlargement# or #site alteration# that occurs on a #zoning lot# having an #average percent of slope# equal to or greater than 10 percent.

### Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

### Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more that is counted towards a tree preservation requirement,

or a credit for a newly-planted tree of three-inch #caliper# or more that is counted towards a tree planting requirement.

#### Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

- (a) a survey of the current condition and health of such trees of six-inch #caliper# or more;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) a schedule for site monitoring during construction;
- (d) a procedure to communicate protection measures to contractor and workers; and
- (e) post-construction treatment.

12/19/74

## **105-02**

### **General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

- (a) any #development# on a #zoning lot#, #enlargement# or
- ~~(b) any #site alteration# on a #zoning lot#;~~
- ~~(e)~~ any subdivision of a #zoning lot# existing on the effective date of the Special District designation into two or more #zoning lots#; and

(e)c) any public improvement projects located within the #Special Natural Area District#, which shall be subject to the provisions of Sections 105-92(Special Provisions for City-owned Lands) and 105-93 (Inter-agency Coordination), except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings, ~~Department of Transportation, Department of Environmental Protection~~ or other eCity or State agencies, of a permit for any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, or for any #site alteration# for which no permit is required by the Department of Buildings ~~Department of Transportation, Department of Environmental Protection~~ or other eCity or State agencies, an application shall be submitted to the City Planning Commission for review and approval pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), except those #developments#, #enlargements# and #site alterations# that are not subject to the provisions of Section 105-40, as specified in Section 105-021 (Actions not requiring special review).

Any authorization or special permit granted by the City Planning Commission after July 18, 1995, pursuant to the provisions of this Chapter, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

When a #zoning lot# existing on the effective date of the Special District designation is subdivided into two or more #zoning lots#, an application shall be submitted to the Commission for review and approval pursuant to Section 105-90 (FUTURE SUBDIVISION).

Nothing contained in this Chapter shall be understood to supersede scenic landmark designations of the New York City Landmarks Preservation Commission.

Except in the #Special Natural Area District#-3 (NA-3), the provisions of this Chapter shall not apply to a #zoning lot# for which a building permit application was filed prior to October 15, 1974 with the Department of Buildings, and building permits pursuant thereto are issued no later than October 15, 1975, provided that such #zoning lot# is not modified in size, that there are no substantial amendments to building plans after October 15, 1974 and that substantial construction of foundations

For #site alterations# on a #zoning lot# of more than 40,000 square feet containing #residential buildings# on the effective date of the #Special Natural Area District# designation, a plan for such #site alterations# shall be filed by the owner of the #zoning lot# with the Commission for approval. In the event such #site alteration# work has impact on the #natural features# existing on the #zoning lot#, the Commission may require the applicant to comply with the provisions of Section 105-021 (~~Requirements for application~~) and Section 105-40 of this Chapter.

6/23/77

## **105-021**

### **Actions not requiring special review**

The special review requirements of Section 105-40 (Special Review Provisions) of this Chapter shall not apply to the following:

- (a) a #site alteration# on a #zoning lot# containing #buildings or other structures#, or a #development# or #enlargement# on any #zoning lot#, provided that such #zoning lots# shall have:
  - (1) not more than 10,000 square feet of #lot area#;
  - (2) an #average percent of slope# of less than 10 percent;
  - (3) no significant #natural features#, and the resulting #development#, #enlargement# or #site alteration# can satisfy the requirements of Section 105-30 (PRESERVATION OF NATURAL FEATURES), inclusive;
  - (4) the resulting #development#, #enlargement# or #site alteration# shall not exceed 2,500 square feet of #lot coverage#; and
  - (5) no Notice of Restriction or Restrictive Declaration recorded against the title of such property;
- (b) any #site alteration#, on a #zoning lot# containing a #residential building# in existence on the effective date of the Special District designation, involving a structure that does not require a permit from the Department of Buildings, including, but not limited to swimming pools, garden sheds and fences, provided that:
  - (1) any modification of topography for the footprint, foundation, or grading around the footprint of such structure, shall not exceed two feet of cut or fill; and
  - (2) no tree of six-inch #caliper# or greater shall be removed and the #critical root zone# of such tree shall be an #area of no disturbance# on any #zoning lot#.

**105-021 2**

**Requirements for application**

An application to the City Planning Commission for certification, authorization or special permit and to the Department of Buildings respecting any #development#, #enlargement# or #site alteration#, to be made within any #Special Natural Area District#, shall include the following:

- (a) ~~a survey map prepared by a registered surveyor showing topography at two foot intervals, location, caliper and species of individual trees of 6 inch caliper or more,~~

a survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the #average percent of slope#, the existing slope of the land, as it occurs, in categories of 10-14 percent, 15-19 percent, 20-24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#, location of geologic features, boundaries of steep slopes, aquatic features, and botanic environments, as enumerated in Section 105-11 (Description of Natural Features);

- (b) photographs showing the location and condition of such #natural features# for verification with pre-existing aerial survey and/or other photographs for each #Special Natural Area District#;

- (c) ~~site plans showing the proposed #site alteration# or #development#;~~

a site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone# and in addition, for Tier II #developments#, #enlargements# and #site alterations#, the location of any other #area of no disturbance#;

- (d) a drainage plan and soil report prepared by a registered professional engineer, when necessary to assess whether or not there will be major impact on #natural features#; and . The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1988;
- (e) a grading plan showing all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;
- (f) a landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings;
- (e\_g) any other information necessary to evaluate the request- ; and
- (h) for #developments#, #enlargements# and #site alterations# on #Tier II# sites, the application shall also include:
- (1) an alignment and paving plan for any #private road# with a typical cross-section; and
  - (2) a construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site; and if the #critical root zone# is proposed to be modified, a #tree protection plan# for any tree proposed for preservation.

For a #site alteration#, #enlargement# or #development# within any #Special

Natural Area District#, the Commission may modify one or more requirements set forth in paragraphs (a) through ( ~~e~~ **h**) of this Section, when such modification is requested by the applicant in writing and when the Commission determines that the requirements are unnecessary for evaluation purposes.

Appendix B of this Chapter should be used as a guide to assist in ~~the preparation of the surveyor's map identifying the~~ #natural features# on the survey required in this Section.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

The Commission shall act within 60 days after receipt of a completed application. Where a permit is required for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District# from any City or State agency, an application for such permit shall be filed simultaneously with such agency and the Commission.

In the event a City agency involved in issuing permits has failed to act or there is disagreement among agencies concerning requirements within their jurisdiction for a #development#, the matter shall be resolved pursuant to Section 105-93 (~~Inter-agency Coordination~~), within 90 days after the application is filed by the Director of the Department of City Planning ~~with the Inter-agency Board of Conservation of Natural Features.~~

12/19/74

**Note: Former Section 105-022 (Action by the Board of Estimate) was previously deleted administratively**

## 105-023

### Relationship to public improvement projects

In all cases, the City Planning Commission shall deny an application, whenever the #development#, #enlargement# or #site alteration# will interfere with a public improvement project (including highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which has been approved by the ~~Board of Estimate~~, City Council or the City Planning Commission ~~or the Site Selection Board.~~

## 105-10

### NATURAL FEATURES

## 105-11

## Description of Natural Features

All #natural features# shall be significant in terms of age, size, composition, function, structure, history, association, location, ecological value or educational interest. ~~The preservation of the #natural features# may be necessary in order to maintain ecological balance in the area.~~

The protection of one #natural feature# may require the protection of another which is closely linked to it. The preservation of #natural features# may also be necessary to avoid such adverse conditions as flooding, erosion or hazards to private property. All vegetation is part of a botanic environment or part of an aquatic feature and shall be considered as a #natural feature# protected by the regulations of this District. For the purposes of this Chapter, vegetation includes all forms of plant material, including but not limited to trees, shrubs, vines, ferns, grasses, herbs and other plant life.

All #natural features# defined in this Section and further described in Appendix B of this Chapter shall be protected by the provisions of this Chapter.

### (a) Geologic features

#### (1) Rock outcrop

A rock outcrop is the portion of a rock formation which appears at the surface of the earth.

#### (2) Geologic deposit

A geologic deposit is a mass of material which has been placed, shaped or created by the actions of wind, water, ice, gravity, vulcanism, pressure or temperature, either alone or in combination. Such deposits are to include erratic boulders, glacial formations, mineral deposits or semi-precious stones.

### (b) Topographic features

#### (1) ~~Steep slope~~ #Steep slope#

~~A steep slope is ground which has an incline of 15 percent or more~~

#### (2) Existing natural topography

Existing natural topography is the ground elevation of land existing at the time of designation of a #Special Natural Area District#.



(3) ~~Topsoil~~ #Topsoil#

Topsoil is generally the top six inches of soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth.

(c) Aquatic features

Wetlands, including, but not limited to State and Federal, mapped or designated, freshwater or tidal wetlands:

(1) Laminarian zone

A laminarian zone is that land under the surface of salt water from the mean low tide mark to the depth of 15 fathoms. The portion of laminarian zone to be protected by the provisions of this Special District extends to the pierhead line, or to the shoreline where no pierhead line has been established.

(2) Beach

A beach is a tract of relatively flat, sandy or gravelly land, without visible vegetation, forming the shore of a large body of water.

(3) Tidal wetland and saltwater littoral zone

A tidal wetland or saltwater littoral zone is that land which is regularly covered by tidal waters and its spray.

(4) Swamp

A swamp is a wet woodland, the soil of which is typically waterlogged or often covered with water.

(5) Marsh

A marsh is a wet prairie which has waterlogged soil during the growing season (from last spring frost to first fall frost) and is often covered with shallow water.

(6) Bog

A bog is a tract of waterlogged land without natural drainage.

(7) Meadow

A meadow is a tract of land which is waterlogged to within a few

inches of the surface and may have temporary ponds during the non-growing season (between the first fall frost and first spring frost).

(8) Creek, stream or brook

A creek, stream or brook is a free flowing fresh watercourse on soil, gravel or rock ~~which~~ that drains a watershed.

(9) Lake or pond

A lake or pond is a body of fresh or salt water standing year round.

(10) Natural spring

A natural spring is a point source of water exiting from the surface of the earth or rock.

(d) Botanic environments

(1) Primary succession community area

A primary succession community area is a tract of land characterized by species which can tolerate extreme environmental conditions and provide initial protection for less tolerant forms of life. These species are usually annuals and herbaceous.

(2) Secondary succession community area

A secondary succession community area is a tract of land characterized by short-lived trees and shrubs as well as grasses and herbaceous material. These species are less tolerant than primary succession community species but provide a greater diversity and range of protection from the sun, wind and rain.

(3) Climax community area

A climax community area is a stable association of plants and animals which will perpetuate itself indefinitely with minor variation in the group of associated plants. The climax community area in New York City is the glaciated oak-chestnut association, which is part of the eastern hardwood deciduous forest.

(4) Dune or heathland

A dune or heathland is a tract of windblown and wind- or water-shaped sandy land with such characteristic species as beach grass and beach heather.

(5) Wild grassland

A wild grassland is an area whose vegetation is primarily of wild grass species.

The #natural features# defined in this Section are described in Appendix B of this Chapter.

## 105-20

### PROTECTION OF NATURAL FEATURES

All #natural features# within a #Special Natural Area District# shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Sections 105-02 (General Provisions), 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

Except for any existing #natural feature# ~~which~~ that is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no #natural features# described in Section 105-11 (Description of Natural Features) shall be removed, destroyed or altered unless permitted by certification, authorization or special permit of the City Planning Commission pursuant to Sections 105-40 (SPECIAL REVIEW PROVISIONS), or allowed pursuant to Section 105-021 (Actions not requiring special review).

~~Where a special permit or authorization pursuant to Sections 105-421, 105-422, 105-423, 105-432 or 105-433 is not granted to an applicant with respect to a #zoning lot# which as of December 1, 1980 contained no #developments#, the restrictions imposed by the provisions of Section 105-20 shall not apply to that portion of the #natural feature# affected, provided that:~~

- ~~(a) all future #developments# or #site alterations# shall have a resulting density of not less than 25,000 square feet or the actual area of the #zoning lot# in existence on December 1, 1980, whichever is smaller;~~
- ~~(b) any future subdivisions pursuant to Section 105-90 shall have a resulting #lot area per dwelling unit# of not less than 25,000 square feet; and~~
- ~~(c) all future #developments# or #site alterations# shall comply with the tree planting standards specified in Section 105-30, and the whether~~

or not existing vegetation is removed as a result of such  
#development# or #site alteration#.

12/15/77

#### **105-30 ~~SPECIAL PROVISIONS FOR PLANTING~~ PRESERVATION OF NATURAL FEATURES**

The provisions of this Section are applicable to all #developments#, #enlargements# and #site alterations# within the #Special Natural Area District#, pursuant to Section 105-02 (General Provisions). When pursuant to Sections 105-41(Certification) or 105-021 (Actions not requiring special review) it is not necessary for an applicant for a #development#, #enlargement# or a #site alteration# to apply for an authorization or special permit, such #development#, #enlargement# or #site alteration# shall nonetheless comply with the natural feature preservation requirements of this Section, inclusive.

#### **105-31**

##### **Botanic Environment and Tree Preservation Requirements**

To the maximum extent possible, existing trees and vegetation shall be retained. Trees of six-inch #caliper# or more and vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

- (a) such trees or vegetation are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;
- (b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;
- (c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more, designated for preservation and belonging to a species listed in Appendix D (Selection List for On-site Trees) of this Chapter; or
- (d) an authorization pursuant to Section 105-425 (Modification of botanic environment preservation and planting requirements) has been granted by the City Planning Commission approving the removal of such trees or vegetation.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration#

shall be replaced pursuant to the provisions of Section 105-32 (Botanic Environment and Tree Planting Requirements).

## **105-32**

### **Botanic Environment and Tree Planting Requirements**

Any vegetation that cannot be saved as a result of #site alteration#, #enlargement# or #development# shall be replaced with alternateive vegetation to be approved by the City Planning Commission. All #developments#, #enlargements# and #site alterations# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

The replanting of elements of vegetation ~~which~~ that are parts of an association or community shall be such as to reestablish, as rapidly as is reasonable, the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

#### **(a) Tree Planting**

For the purposes of this Section, the following minimum standard shall apply for tree planting:

- (3) For any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, trees of at least ~~four~~ three-inch #caliper#, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.
- (4) For any existing tree of at least ~~6~~ six-inch #caliper# ~~which that~~ is preserved, credit for one tree shall be given for the first six inches of #caliper# ~~for the purpose of this Section,~~ and, for each additional four inches of #caliper#, credit for ~~one~~ an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. Trees newly planted to meet this requirement shall be of a species selected from Appendix B D of this Chapter, and acceptable from the standpoint of hardiness, appearance and habit of growth suitable to the site.

The Commission may grant a waiver of the tree planting requirements by certification to the Department of Buildings, where the Commission finds that the ecology of the site is such that the substitution of other plant material would be more appropriate than the tree planting requirements and a detailed plan for planting has been filed with the Commission for its approval.

~~Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to the effective date of this amendment.~~

(b) Botanic Environment Planting

For the purposes of this Section, the following minimum standard shall apply for the planting of vegetation:

Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed pursuant to the regulations of Sections 105-31 (Botanic Environment and Tree Preservation Requirements) or 105-425 (Modification of botanic environment preservation and planting requirements), shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, there shall be provided the following plantings of the size and number indicated in paragraphs (1) through (4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix C (Selection List for Shrubs and Ground Covers) of this Chapter. Species of on-site trees shall be selected from Appendix D (Selection List for On-site Trees) of this Chapter.

- (1) Ground cover shall be planted one at one-foot-on-center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and
- (2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or
- (3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or
- (4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

The planting of species shall not be limited to woody plant materials, but shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses, and other associated vegetation. All vegetation to be planted shall be either of the species which characterized the area's biological community prior to #site alteration#, #enlargement# or #development#, or of an alternative biologic community found in the area. Species selection shall give particular attention to the relationship of the species to each other and to the surrounding plant community and to the quality of the soil and the vertebrate and invertebrate populations associated with and dependent upon the proposed plants. ~~The goal is to maintain, reinforce and increase the diversity and stability of the plant and animal population which characterize the #Special Natural Area District#.~~

### 105-33

#### Lot Coverage Regulations for Residences on Tier II Sites

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT  
BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND  
RESIDENCE TYPE

<u>#Average Percent of Slope#</u>	<u>#Residence District#*</u>						<u>R6</u>
	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>R5</u>	<u>1-2 Family</u>	<u>Other</u>
<u>10-14.9</u>	<u>22.5</u>	<u>22.5</u>	<u>22.5</u>	<u>36.0</u>	<u>45.0</u>	<u>48.6</u>	<u>32.4</u>
<u>15-19.9</u>	<u>20.0</u>	<u>20.0</u>	<u>20.0</u>	<u>32.0</u>	<u>40.0</u>	<u>43.2</u>	<u>28.8</u>
<u>20-24.9</u>	<u>17.5</u>	<u>17.5</u>	<u>17.5</u>	<u>28.0</u>	<u>35.0</u>	<u>37.8</u>	<u>25.2</u>

-----  
\* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 105-422, the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II  
PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT  
OR PORTION OF A ZONING LOT WITH A STEEP SLOPE,  
BY ZONING DISTRICT AND RESIDENCE TYPE

<u>#Residence District#*</u>						<u>R6</u>
<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>R5</u>	<u>1-2 Family</u>	<u>Other</u>
<u>12.5</u>	<u>12.5</u>	<u>12.5</u>	<u>20.0</u>	<u>25.0</u>	<u>27.0</u>	<u>18.0</u>

-----  
\* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

**105-34**  
**Grading Controls for Tier II Sites**

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a building foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II developments#, #enlargements# or #site alterations#.

- (a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (b) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.

- (d) Fills shall be compacted to at least 95 percent of maximum density, as determined by ASSHO T99 or ASTM D698.
- (e) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.
- (f) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on (the effective date of this amendment), should be rounded in a vertical arc with a radius of not less than five feet.
- (g) Tops and toes of cut and fill slopes and retaining walls shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures for a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of ten feet.

## **105-35**

### **Tier II Requirements for Driveways and Private Roads**

The provisions set forth in this Section and Section 105-34 (Grading controls) shall apply to driveways and to #private roads# that provide access to #buildings# developed after (the effective date of this amendment). The provisions for #private roads# set forth in Article II, Chapter 6, shall not apply.

- (a) Driveways
  - (1) The maximum grade of a driveway shall not exceed 10 percent.
  - (2) The paved width of a driveway shall not exceed 18 feet.
  - (3) The maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.
- (b) #Private roads#
  - (1) The maximum grade of a #private road# shall not exceed 10 percent.
  - (2) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back.
  - (3) The paved width of a #private road# shall not exceed 34 feet.
  - (4) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb.
  - (5) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#.
  - (6) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays.
  - (7) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.
  - (8) Along the entire length of a #private road#, trees shall be provided and maintained at the rate of one tree for every 25 feet of #private road# frontage and shall comply with the requirements set forth in Section 105-32 (Botanic Environment and Tree Planting Requirements).



- (9) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section.

The City Planning Commission may by authorization pursuant to Section 105-434 (Modification of requirements for private roads and driveways), allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

#### **105-36**

##### **Controls During Construction**

The following requirements must be met during construction and identified on the construction plan:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a building foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15-foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.
- (d) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.
- (e) #Topsoil# shall be used in the area to be replanted as soon as construction is complete.
- (f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

#### **105-37**

##### **Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites**

Any #development#, #enlargement# or #site alteration# that is on a #Tier II# site and requires an authorization shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS), that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of the Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer or landscape architect and submitted to the City Planning Commission.

- (a) Benches and berms

These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or to reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

- (b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up

concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

### **105-38**

#### **Special Submission Requirements for Authorizations on Tier II Sites**

When a #development#, #enlargement# or #site alteration# is on a #Tier II# site, an application to the City Planning Commission for an authorization shall include the following submission requirements. These requirements shall be in addition to the requirements set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS).

- (a) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #developments#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1988.
- (b) An erosion and sedimentation plan as described in Section 105-37(Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits).
- (c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.
- (d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

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### **105-40**

## SPECIAL REVIEW PROVISIONS

The provisions of this Section shall apply to all #developments#, #enlargements# or #site alterations# located within a #Special Natural Area District#.

Prior to the issuance by the Department of Buildings of any permit for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, the City Planning Commission shall certify to the Department of Buildings that the #development#, #enlargement# or #site alteration# is approved pursuant to Sections 105-41, 105-42, ~~or~~ 105-43 or 105-44, inclusive.

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall apply to all #developments# and #enlargements#, where such #development# or #enlargement# is a #large-scale residential development#, except as modified by the provisions of Section 105-701 (Applicability of large-scale residential development regulations).

### 105-41

#### Certification

When it is not necessary for the applicant for a #development#, #enlargement# or #site alteration# to apply for an authorization or special permit, the City Planning Commission shall certify to the Department of Buildings that such #development#, #enlargement# or #site alteration# complies with the regulations of this Chapter, and that no authorization or special permit is required pursuant to this Chapter.

Where #natural features# are to be protected and maintained under Section 105-60 (MAINTENANCE OF NATURAL FEATURES), the Commission shall indicate in the certification specific conditions and safeguards appropriate to the designated area.

12/1/77

### 105-42

#### Authorizations to Alter Natural Features and to Allow Certain Uses

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

- (a) modification of topographic features including existing natural topography and #top soil# pursuant to Section 105-421 (Modification of existing topography topographic features on Tier I sites), and modification of #steep slopes# pursuant to Section 105-422 (Authorization of a development, enlargement or site alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer); or
- (b) modification of geologic features including the relocation of erratic boulders, and the alteration of rock outcrops pursuant to Sections 105-422 3(Relocation of erratic boulders) and 105-424 (Alteration of rock outcrops); or
- (c) alteration modification of botanic environments pursuant to Section 105-423 5 (Alteration Modification of botanic environment s, or removal of trees preservation and planting requirements); or
- (d) alteration of ~~#natural features# other than existing topography erratic boulders or aquatic features~~ botanic environments, pursuant to Section 105-424 ~~6(Alteration of natural features aquatic features )~~, in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Natural Area District#.

### 105-421

#### Modification of existing topography topographic features on Tier I sites

The topographic features including natural topography and #top soil#, existing at the time of designation of a #Special Natural Area District# may be modified by the City Planning Commission provided that the Commission finds that :

- (a) that #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) that such modification, including any removal of #top soil#, will not disturb the drainage pattern and soil conditions in the area; and
- (c) that such modification of topography has minimal impact on the existing ~~natural topography~~ topographic features of the surrounding area and blends harmoniously with it;
- (d) such modification is the least modification required to achieve the purpose for which it is granted; and
- (e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Where permits are required from a city agency, the Commission shall request a report from such agency, and the provisions of Section 105-93 (Inter-agency Coordination) apply.

Note:

*Current Section 105-422 (Relocation of erratic boulders) would be renumbered 105-423.*

*Current Special Permit 105-433 (Alteration of natural features) would be covered in Authorizations 105-426(Alteration of aquatic features) and 105-422 (Authorization of a development, enlargement or site alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer).*

#### **105-422**

#### **Authorization of a development, enlargement or site alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer**

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #Tier II zoning lot# or on portions of a #zoning lot# having a #steep slope# or #steep slope buffer#.

In order to grant such authorizations, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the modification will not disturb the drainage patterns and soil conditions of the area; and
- (e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of this Chapter for which an authorization or special permit has not been obtained.

#### **105-422 105-423**

#### **Relocation of erratic boulders**

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a #Special Natural Area District# to another location within the Special District during #development#, #enlargement# or #site alteration# except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the #Special Natural Area District#, an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following circumstances:

- (a) where such a boulder is located in an area to be occupied by #buildings#, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas or recreation areas on the site;
- (b) where the boulder's continued existence in its present location would create hazards or dangers; ~~and or~~
- (c) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing an authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public #street#, park, or public place, preferably on the #zoning lot# or elsewhere within the #Special Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder ~~and safeguards to protect the character of the #Special Natural Area District#.~~

#### **105-424**

##### **Alteration of rock outcrops**

The City Planning Commission may authorize the alteration of a rock outcrop, provided that:

- the #development# or #enlargement# is not feasible without such alteration, or that the requested alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or
- such alteration is necessary to protect the health and safety of the site occupants; and
- such #development#, #enlargement# as authorized will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

6/23/77

#### **105-423 5**

##### **Alteration ~~Modification~~ of botanic environment ~~s or removal of trees~~ and preservation and planting requirements**

~~No portion of a botanic environment shall be altered or land operations affecting botanic environments undertaken by or on behalf of present or future applicants for permits except in compliance with the provisions of this Section.~~

~~No individual tree of six-inch caliper or more shall be removed without authorization of the City Planning Commission.~~

~~Prior to any such removal, alteration or land operation, applications shall be filed with the Commission showing the location of all botanic environments indicated in Section 105-11 (Description of Natural Features) and trees of six-inch caliper or more, and identifying those which are proposed to be removed or altered. Alteration or removal of existing plant material will be permitted only by authorization of the Commission under the following circumstances:~~

- ~~(a) where plant material is located in areas to be occupied within a distance of eight feet of the exterior dimension of such facilities, and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas, utility lines or recreation areas on the site. If necessary to permit the construction of such facilities, exceptions may be made to allow the removal of individual plant material located up to a distance of not more than 15 feet from the exterior dimension of such facilities; or~~

The City Planning Commission may authorize modifications to the provisions of Sections 105-31 (Botanic Environment and Tree

Preservation Requirements) 105-32 (Botanic Environment and Tree Planting Requirements) and paragraph (b)(8) of Section 105-35 (Tier II Requirements for Driveways and Private Roads).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the botanic preservation or planting requirements being modified; and
- (d) in order to modify requirements relating to tree preservation, planting or removal, the Commission shall also find that:
  - (b 1) where ~~plant material~~ such tree is located in areas which require excessive cut or fill of land deemed inimical to plant survival; or
  - (e 2) where ~~the plant material's~~ the continued presence of such tree would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning; ~~or~~ .
- (d) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the plant material's alteration or removal.

In issuing authorizations under this Section, the Commission may prescribe appropriate conditions and safeguards to protect the character of the #Special Natural Area District#.

Where on-site replanting of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Natural Area District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

12/1/77

#### **105-424.6**

##### **Alteration of ~~other natural features~~ aquatic features**

In #Special Natural Area Districts# 1 (NA-1) or 3 (NA-3), alteration of all #natural features# other than existing topography, erratic boulders or botanic environments for which alteration, modification or relocation is authorized pursuant to Sections 105-421 (Modification of existing topography) or 105-422 (Relocation of erratic boulders) or 105-423 (Alteration of botanic environments or removal of trees), may be permitted by authorization of the City Planning Commission where

No portion of an aquatic feature shall be altered or land operations affecting aquatic features undertaken by or on behalf of present or future applicants for permits except in compliance with the provisions of this Section. The City Planning Commission may permit the alteration of aquatic features provided that:

- (a) the #development# or #enlargement# is not feasible without such alteration or where such alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or
- (b) such alteration is necessary to protect the health and safety of the site occupants; and

As a condition for such alteration, the Commission shall find that the

- (c) such #development# or #enlargement# as authorized will result in the minimum #natural feature# interference that must be

permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district; and

- (d) such modification shall not disturb the drainage patterns in the area.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

Where permits are required from a eCity agency for any work affecting #natural features#, the Commission shall request a report from such agency and the provisions of Section 105-93 (Inter-agency Coordination) apply.

In the event alteration of a ~~#natural feature#~~ an aquatic feature is found inappropriate, the Commission may treat an application under this Section as an application for modification of #yard# and height and setback regulations under Section 105-432.

#### **105-43**

##### **Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations**

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

- (a) modification of #lot coverage# controls in accordance with the provisions of Section 105-431;
- (b) modification of underlying district regulations relating to #bulk# or #parking# in accordance with the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations);
- (c) modification of grading controls on accordance with the provisions of Section 105-433; and
- (d) modification of requirements for driveways and private roads on Tier II sites in accordance with the provisions of Section 105-434.

#### **105-431**

##### **Modification of lot coverage controls**

For any #development# or #enlargement# on a #Tier II zoning lot# or within a #steep slope# or a #steep slope buffer# on a #Tier I zoning lot#, the City Planning Commission may authorize variations in the #lot coverage# controls set forth in Section 105-33.

In order to grant such authorization, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;
- (b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;
- (c) such modification is the least modification required to achieve the purpose for which it is granted;
- (d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (e) the modification will not disturb the drainage pattern and soil conditions of the area; and
- (f) the modification does not impair the essential character of the surrounding area.

#### **105-432**

##### **Modification of yard, height and setback regulations, and parking location regulations**

For any #development# or #enlargement# that does not qualify under provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, location of parking, driveways or curb cuts and required space between #buildings# on the same #zoning lot#, and may modify height and setback regulations for the purpose of preserving #natural features#, provided the Commission finds that:

- (a) the proposed placement of #buildings# and arrangement of #open space# will not have significant adverse effects upon the light, air and privacy for existing #development# in adjacent areas or the opportunities therefore in future #development#; and
- (b) will preserve significant #natural features#.

The Commission may condition such authorizations upon the joint submission of acceptable plans for #development# or #enlargement# of two or more adjacent #zoning lots# by the owners thereof.

#### 105-433

##### **Modification of grading controls**

For any #development#, #enlargement# or #site alteration# on a #Tier II zoning lot#, the City Planning Commission may authorize variations in the grading controls set forth in Section 105-34.

In order to grant such authorization, the Commission shall find that:

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the modifications will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the modification will not disturb the drainage pattern and soil conditions of the area;
- (e) the modification does not impair the essential character of the surrounding area; and
- (f) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area.

#### 105-434

##### **Modification of requirements for private roads and driveways**

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II zoning lot# as set forth in Section 105-35 (Tier II Requirements for Driveways and Private Roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the modification will not disturb the drainage pattern and soil conditions of the area;
- (d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e) such modification will enhance the quality of the design of the #development#, #enlargement# or site alteration#.



12/1/77

#### **105-43 4** **Special Permit**

For any #development#, #enlargement# or #site alteration# within the #Special Natural Area District#, the City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Sections 105-431 441 to Section 105-434, inclusive and 105-442.

#### **105-431 441** **Modification of use regulations**

In addition to any #use# modifications which may be granted under the provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may ~~grant special permits to allow~~ permit #semi-detached# or #attached single-family residences# in R2 Districts and #attached single-# or #two-family residences# in R3-1 Districts.

Furthermore, except in the #Special Natural Area District#-1 (NA-1), the Commission may ~~grant special permits to allow~~ permit #semi-detached# or #attached single-family residences# in R1-2 Districts provided that the #development# or #enlargement# is on a tract of land of at least four acres. ~~As a condition for granting such special permits the~~ and provided the Commission ~~shall find~~ finds that:

- (a) ~~that~~ the preservation of #natural features# requires the permitted #development# to be concentrated to the extent feasible in the remaining portion of the tract;
- (b) ~~that~~ for such concentration of #development#, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #residential building# types;
- (c) ~~that~~ the change of housing type ~~requested~~ constitutes the most effective method of preserving #natural features#;
- (d) ~~that~~ the #aggregate width of street walls# of a number of #residential buildings# separated by party walls shall not exceed 100 feet;
- (e) ~~that~~ the proposed #street# system for the #development# is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area; and
- (f) ~~that~~ the existing topography, vegetation and proposed planting effectively screen all #attached single-family residences# from the #lot lines# along the #development# perimeter.

6/30/89

#### **105-432** **Modification of yard, height and setback regulations, and parking location regulations**

For any #development# which does not qualify under provisions of Section 105-701, the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, location of parking, driveways or curb cuts and required space between #buildings# on the same #zoning lot#, and may modify height and setback regulations for the purpose of preserving #natural features# if the Commission finds that the proposed placement of #buildings# and arrangement of #open spaces# will not have significant adverse effects upon the light, air and privacy for existing #development# in adjacent areas or the opportunities therefor in future #development# and will preserve significant #natural features#.

The Commission may condition such authorizations upon the joint submission of acceptable plans for #development# of two or more adjacent #zoning lots# by the owners thereof.

#### **105-433** **Alteration of natural features**

In ~~#Special Natural Area District# 2 (NA-2)~~, alterations of all ~~#natural features#~~ other than existing topography, erratic boulders or botanic environments, for which alteration, modification or relocation is authorized pursuant to Sections 105-421 (Modification of existing topography), 105-422 (Relocation of erratic boulders) or 105-423 (Alteration of botanic environments or removal of trees) may be granted by special permit of the City Planning Commission where ~~#development#~~ is not feasible without such alteration or where alteration is necessary to protect the health and safety of the site occupants. As a condition for such alteration, the Commission shall find that the ~~#development#~~, as authorized, will result in the minimum ~~#natural feature#~~ interference that must be permitted in order to allow reasonable ~~#development#~~ and ~~#bulk#~~ distribution under the regulations of the underlying district.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

Where permits are required from a city agency for any work affecting ~~#natural features#~~, the Commission shall request a report from such agency and the provisions of Section 105-93 (Inter-agency Coordination) shall apply. In the event alteration of a ~~#natural feature#~~ is found inappropriate, the Commission may treat an application under this Section as an application for modification of ~~#yard#~~ and height and setback regulations under Section 105-432.

7/26/01

### 105-434 442

#### Natural area dedicated for public use

Where commonly or separately-owned areas containing ~~#natural features#~~ of exceptional recreational, cultural or educational value to the public are dedicated to the City, without any cost to the City, pursuant to Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may by special permit allow, where appropriate, such portion of the ~~#zoning lot#~~ to be included in the zoning computation for ~~#floor area#~~, ~~#open space#~~, ~~#lot coverage#~~, and density regulations and other ~~#bulk#~~ computations.

6/30/89

### 105-44

#### Conditions for Certification, Authorization or Special Permits

The City Planning Commission may certify or grant an authorization or special permit for any ~~#development#~~ or ~~#site alteration#~~ within the ~~#Special Natural Area District#~~, provided the ~~#development#~~ or ~~#site alteration#~~ complies with the provisions of the following Sections:

Section 105-50	(REGULATIONS FOR PROTECTION OF NATURAL FEATURES)
Section 105-60	(MAINTENANCE OF NATURAL FEATURES)
Section 105-70	(SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT)
Section 105-80	(JOINT APPLICATIONS);

The provisions of Section 105-50 establish regulations for Commission review of ~~#development#~~, ~~#enlargement#~~ or ~~#site alteration#~~ plans from the standpoint of the protection they afford to ~~#natural features#~~. Plans which ~~that~~ are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

The provisions of Section 105-60 establish requirements for the maintenance of ~~#natural features#~~. Approval of development plans subject to such requirements is conditioned upon the Commission's approval of a maintenance plan.

Section 105-70 deals with the Commission's power to grant modifications of the applicable regulations of the underlying districts for predominantly ~~#residential developments#~~ so as to permit greater flexibility in the location of ~~#buildings#~~ and parking, driveways and curb cuts, and in the distribution of ~~#bulk#~~, density and ~~#open space#~~ or ~~#lot coverage#~~ and thereby facilitate the protection of ~~#natural features#~~ or the preservation of natural terrain.

As a condition for certification, authorization or issuance of a special permit by the Commission, the Commission shall find that all proposed ~~#developments#~~, ~~#enlargements#~~ or ~~#site alterations#~~ blend harmoniously with the ~~#natural features#~~ and topography of the

~~surrounding area within a #Special Natural Area District#.~~

6/23/77

#### 105-45

##### Certification of Compliance with the Special Review Provisions Restoration Plans

On any #zoning lot# to which the provisions of Section 105-02 (General Provisions) apply, no #natural features# as described in Section 105-11 (Description of Natural Features) or any other vegetation shall be removed, altered, relocated or replaced without prior approval by the City Planning Commission as set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS) of the #Special Natural Area District#.

In the event that any such features are removed, altered, relocated or replaced from a #zoning lot# without prior approval by the Commission, the Commission may specify the manner of their replacement or restoration. If trees are to be planted, the Commission may require that they be ~~six~~ three inches in caliper.

A copy of the restoration plan certified by the Commission's specifying requirements for the replacement or restoration of the #natural features# shall be issued to the owner of the #zoning lot# containing such violations and to the Department of Buildings.

Upon receipt of the Commission's certified restoration requirements, the Department of Buildings shall require the owner of the #zoning lot# to remove the violations in accordance with the requirements set forth by the Commission. If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to terminate the violations. For compliance with new planting requirements to remove violations, the Department of Buildings may allow an additional 90 days.

No building permit or certificate of occupancy shall be issued by the Department of Buildings for any #development#, #enlargement#, #site alteration# or #use# on such #zoning lot# until the violations are removed from the #zoning lot# in accordance with the restoration plan certified by the Commission's requirements.

5/21/75

#### 105-50

##### REGULATIONS FOR PROTECTION OF NATURAL FEATURES

The provisions of this Section establish regulations for City Planning Commission review of #development#, #enlargement# or #site alteration# plans from the standpoint of the adequacy of protection for #natural features# within a #Special Natural Area District#. Plans that are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

These regulations are to be used by the Commission in reaching a determination whether to approve #development#, #enlargement# or #site alteration# plans filed pursuant to Sections 105-41 (Certification), 105-42 (~~Special~~ Authorizations to Alter Natural Features), ~~or~~ 105-43 (Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations), or 105-44 (Special Permits).

The Commission, where appropriate, shall be guided by the reports from other city agencies involved in land contour work, storm water drainage systems and similar operations affecting #natural features#.

In determining the necessary alteration of #natural features# or extent of modifications involved in a #development#, #enlargement# or #site alteration#, the Commission shall be guided by the effect of any alteration of a #natural feature# on the total ecological process of the surrounding natural environment including the following: the effect of such alteration on the existing topography, soil conditions, erosion, natural flow of water and drainage, water quality, and animal, plant and marine life.

Further guidelines for the protection of #natural features# are ~~listed below~~:

- (a) No #natural feature# shall be moved, removed, covered, diminished, broken or disfigured, unless permitted pursuant to the provisions of Sections 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-40(SPECIAL REVIEW PROVISIONS). Furthermore, topsoil shall neither be removed from the surface of any #zoning lot# nor covered with inferior

material unless permitted pursuant to ~~Section 105-21 (Modification of Existing Topography)~~ 105-40(SPECIAL REVIEW PROVISIONS). Where existing topography is altered without prior authorization of the Commission, the Commission may require new grading or other topographical modifications or surface improvement to reestablish the viability and function of the soil as a growing medium, and as a drainage surface, in order to permit the site to blend harmoniously with the surrounding area of the Special District.

- (b) Filling, excavating, draining, dredging, grading and contouring shall be staged and controlled so as to minimally impair the function, composition, vitality and existence of #natural features#. When and where possible, such operations shall be done in a manner so as to maintain or improve the biological system and individual features on the site.
- (c) All filling, excavating, draining, dredging, grading and contouring shall avoid creation of #steep slopes# or conditions causing erosion, loss of fertility of soil, health or safety hazards, and shall be done in conformance with the limits and nature of the soil involved.
- (d) All land operations including filling, excavating, draining, dredging, grading and contouring shall be limited to those operations which maintain or restore natural drainage, cause a minimum disturbance of the #natural features# and their setting while providing for the #development#, #enlargement# or #site alteration# or permitted #uses#.
- (e) No #development#, #enlargement# or #site alteration# shall be such as to impede or change the quality, turbidity, temperature or chemical composition of natural drainage or aquatic features.
- (f) A #development#, #enlargement# or #site alteration# shall be permitted only in areas sufficiently removed from the #natural features# to avoid impairment of their existence, functions or beauty.
- (g) There shall be maximum preservation of all natural vegetation in and adjacent to the #natural features# found on the site. Plant communities which have been substantially reduced in area or composition as a result of a #development#, #enlargement# or #site alteration# shall be restored, extended or replaced by alternative plant materials with an adequate maintenance program. In no case shall the site be allowed to be denuded and without vegetational cover upon completion of the #development#, #enlargement# or #site alteration#.
- (h) Replacement of any #natural feature# and planting of new vegetation on a site in the Special District shall be such as to extend, reinforce, increase the diversity, function and vitality of an association or community in the area. Special attention shall be given to symbiotic relationships between plants and the relationship between vegetation to be planted and animal populations which are dependent upon or related to the proposed vegetation. Where appropriate, planting shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses, and other associated vegetation.
- (i) Adequate provision shall be made for proper management and maintenance of #natural features# and their immediate surroundings to avoid pollution, loss of vigor, reduction in composition or function or other ecological damage.
- (j) Where appropriate, when a portion of a #natural feature# or its function must be altered, such alteration shall not only reinforce the function, vitality and existence of the remaining portion of the #natural feature# but also improve conditions for other #natural features#. This shall apply particularly but not exclusively to the removal and replanting of plant materials.
- (k) Where appropriate, a #development#, #enlargement# or #site alteration# shall be such as to leave #natural features# intact in their natural setting and, where feasible, visible from public #streets# or places.
- (l) For a #steep slope#, ~~the primary concerns are the preservation of natural beauty and the prevention of hillside erosion, landslide, and excessive runoff. Additional concerns arise where the #steep slope# area is part of the watershed of a creek, stream, brook, lake, pond or swamp. Accordingly, these additional requirements apply:~~
  - (1) In all #Residence Districts#, for #residential developments#, on individual #zoning lots# substantially within a #steep slope# area, the #lot area per dwelling unit# requirement shall not be less than 12,500 feet. Except in R1 Districts located in the #Special Natural Area District#-1 (NA-1), the Commission may, for a tract of land of at least 4.0 four acres substantially within the #steep slope# area, modify, by authorization, the #lot area per dwelling unit# requirement set forth ~~above~~, in this paragraph for the #steep slope# area, and may allow #development# to be concentrated in clusters to preserve the #steep slope# areas in their natural state, provided that such clusters are

located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new #steep slopes#.

- (2) In no event shall the #lot area per dwelling unit# requirement be less than the amount required by the underlying district regulations.
- (3) Existing vegetational cover in steep areas shall not be removed, destroyed or damaged except pursuant to #development# and grading plans approved by the Commission. An objective of such plans shall be to fit #street# layouts and #building# designs to the natural terrain, limit grading to a practical minimum and provide for maximum preservation of the natural terrain and vegetational cover.

12/19/74

## 105-60

### MAINTENANCE OF NATURAL FEATURES

For any #development# , #enlargement# or #site alteration# on a tract of land within a #Special Natural Area District#, the City Planning Commission may require a maintenance plan for a #natural feature#. Where a maintenance plan is required, approval of the development plan and the granting of any certification, authorizations or special permit shall be conditioned upon the Commission's approval of the maintenance plan.

The maintenance plan shall specify what the maintenance is to consist of and whose responsibility it will be, and shall provide assurance that maintenance will be satisfactorily executed. The Commission, in considering the maintenance needs of a particular #natural feature# and the content of an acceptable maintenance plan shall, where appropriate, refer all relevant plans to the Landmarks Preservation Commission, Department of Parks or other City agency with primary responsibilities in natural areas conservation, for its report thereon. The Commission shall, in its determination, give due consideration to any such report submitted within one month from the date of referral. If such City agency does not report within one month, the Commission may make a final determination without reference thereto.

For #natural features# for which the Commission determines that specialized maintenance and regulated public #use# are appropriate, the maintenance plan may provide for dedication of the #natural feature# to the City or an approved private conservation organization for responsible maintenance in the public interest.

12/19/74

## 105-70

### SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT

In order to carry out the purposes of this Chapter, all #developments# used predominantly for #residential use# ~~shall~~ may be subject to the provisions of this Section.

5/21/75

## 105-701

### Applicability of large-scale residential development regulations

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall apply except as modified by the provisions of this Section.

Any #development# used predominantly for #residential uses# ~~shall~~ may be treated as a #large-scale residential development#, and authorizations or special permits for such #development# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, or in Section 105-80 (JOINT APPLICATIONS), regardless of whether such #development# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential development# as set forth in Section 12-10 (DEFINITIONS).

However, in R1 Districts located in the #Special Natural Area District#-1 (NA-1), no modification of minimum required #lot area# as

set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be allowed for any #development# pursuant to paragraph (c) of Sections 78-311 (Authorizations by the City Planning Commission) or Section 78-32 (Bonus for Good Site Plan) but modifications of required #front# or #rear yards# and height and setback regulations on the periphery of such #development#, pursuant to paragraphs (c) and (d) of Section 78-312 (Special permit authorizations), shall apply. Modification of #side yards# of all #developments#, including #developments# in R1 Districts, shall be subject to the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations).

Bonuses which may be granted for #large-scale residential developments#, pursuant to Section 78-32 (~~Bonus for Good Site Plan~~) through Section 78-35 (Special Bonus Provisions), may not be granted for #developments# which have less than 10 acres and less than the number of #buildings# or number of #dwelling units# required by the definitions of a #large-scale residential development#.

Commonly or separately-owned areas containing #natural features# may qualify as common #open space# for purposes of satisfying #open space# requirements in #residential developments#.

Approval by the Commission of a development plan incorporating #natural features# as common #open space# shall be conditioned upon the findings required in Sections 78-313 (Findings) and 78-52 (Common Open Space) with respect to the qualification of areas as common #open space# and upon additional findings that appropriate safeguards are provided for the protection and preservation of such #natural features#. In the case of #natural features# ~~which~~ that are determined to have qualities of exceptional recreational, cultural or educational value to the public and ~~which~~ that are directly accessible to the public from a public right-of-way, the applicant may request the City to take title or a less than fee interest in the property occupied by such a #natural feature# without any cost to the City or its designee for #use# and enjoyment by the public subject to the provisions of Section 105-60 (MAINTENANCE OF NATURAL FEATURES).

## **105-702**

### **Applicability of lower density growth management area regulations**

\* \* \*

#### **(b) Private road regulations**

The provisions of paragraph (b) of Section [delete 119-214] 105-35 (Tier II[r] Requirements for [d] Driveways and [p] Private [r] Roads) shall apply to [all] Tier II #developments# or #enlargements# accessed by private roads.

12/19/74

## **105-80**

### **JOINT APPLICATIONS**

Notwithstanding the provisions of Section 78-06 (Ownership), a tract of land which is the subject of an application for authorizations or special permits under the provisions of this Chapter may include adjacent property in more than one ownership, provided that the application is filed jointly by the owners of all property included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

5/28/81

## **105-90**

### **FUTURE SUBDIVISION**

Within a #Special Natural Area District#, any #zoning lot# existing on the effective date of the Special District designation may be subdivided into two or more #zoning lots#; provided that #natural features# are preserved to the greatest extent possible under future #development# options.

A plan for such subdivision shall be filed with the City Planning Commission and the Commission shall certify that such subdivision

complies with this objective. The subdivision plan shall include a survey map indicating existing topography and other #natural features# within this area. When a #zoning lot#, existing on the effective date of the Special District designation, is more than 10 acres and is intended to be subdivided, an area plan of the entire #zoning lot# shall be filed with the Commission. The area plan shall include the proposed #street# system within the area, #block# layouts and any other information required by the Commission.

When any #zoning lot# is subdivided into two or more #zoning lots#, all resulting #zoning lots# ~~which~~ that lie substantially within a #steep slope# area existing as of December 19, 1974, shall be subject to the #steep slope# provisions of Section 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES) and all other provisions of this Chapter, as applicable.

~~Any #zoning lot# subdivided into two or more #zoning lots# after May 28, 1981 shall be subject to the #lot area per dwelling unit# standard in accordance with Section 105-20 (PROTECTION OF NATURAL FEATURES).~~

In the event that #natural features# on any #zoning lot# subject to the provisions of Section 105-02 (General Provisions) proposed for subdivision have been removed, altered, relocated or replaced from the #zoning lot# without prior approval by the Commission, as set forth in Section 105-40(SPECIAL REVIEW PROVISIONS), the Commission shall not approve the subdivision until violations are removed from the #zoning lot# in accordance with the Commission's requirements under Section 105-456 (Certification of Compliance with the Special Review Provisions).

12/19/74

#### **105-91 Special District Designation on Public Parks**

When a #Special Natural Area District# is designated on a #public park# or portion thereof, any #natural features# existing on December 19, 1974 within such area shall not be removed, destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of #natural features# is the least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Natural Area District#.

12/19/74

#### **105-92 Special Provisions for City-Owned Land**

For any #development# or #site alteration# on city-owned land located within a #Special Natural Area District#, the provisions of Section 105-40 (SPECIAL REVIEW PROVISIONS) shall apply, except that modifications permitted under Section 105-43 4(Special Permits) may be approved by ~~authorization of~~ the City Planning Commission.

Furthermore, provisions of Section 105-93 (Inter-agency Coordination) apply to all #developments# or #site alterations# on City-owned land. However, the provisions of this Chapter shall not apply to any public improvement project approved by the Board of Estimate prior to the effective date of the Special District designation.

12/19/74

#### **105-93 Inter-agency Coordination**

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Departments of Transportation or Buildings for land contour work, by the Department of Environmental Protection for storm water drainage systems for #buildings# or adjacent areas or where construction of a public improvement project is undertaken by a eCity agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development#, #enlargement# or #site alteration# within a #Special Natural Area District# will best meet the purposes of the Special District. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit. ~~Where differences exist among agencies concerning a proposed #development# or #site alteration# within the Special District, a three member Inter-agency Board of Conservation of Natural Features shall arbitrate prior to the issuance of any permit.~~

~~Such Board shall consist of:~~

~~the Deputy Mayor;~~

~~the Chairperson of the City Planning Commission; and~~

~~the Commissioner of the agency directly involved.~~

~~The Deputy Mayor shall be the Chairperson of the Inter-agency Board.~~

5/21/75

**105-94**

**Special Natural Area Districts Specified**

\* \* \*

**105-944**

**Special Fort Totten Natural Area District-4**

\* \* \*

(c) General requirements

(1) Requirements for applications

An application to the City Planning Commission for any #development# within the Special District shall be subject to the requirements of Section ~~105-21~~ 105-021.

\* \* \*

(d) Special regulations

\* \* \*

(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section 23-631 Height and setback in R1, R2, R3, R4 ~~or~~ and R5 Districts) shall apply except . . .

\* \* \*

(7) Planned community area (Area B)

\* \* \*

(f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning lot lines#, or the provisions of Sections ~~25-821~~ 25-621 (Location of parking spaces in certain districts) and . . .

**APPENDIX B**



## Glossary

\* \* \*

[ *Note: Appendices A and B are unchanged. The proposed amendment would add Appendix C, D, E - shrub and tree lists as follows*]

## APPENDIX C

### Selection List for Ground Covers and Shrubs

#### Ground Covers

<u>BOTANICAL NAME</u>	COMMON NAME
Adiantum pedatum	Maidenhair fern
Agrostis perennans (A. altissima)	Autumn bent-grass
Anaphalis margaritacea	Pearly everlasting
Andropogon gerardii	Big Bluestem
Andropogon glomeratus	Bushy bluestem
Andropogon virginicus	Broom Sedge
Anemone canadensis	Canada anemone
Antennaria plantaginifolia	Plantain-leaved pussytoes
Arctostaphylos uva-ursi	Bearberry
Asarum canadense	Wild ginger
Aster cordifolius	Heart-leaved
Aster divericatus	White wood aster
Aster ericoides	Heath aster
Aster lanceolatus (A. simplex)	Lined aster
Aster macrophyllus	Large-leaved aster
Aster novae-angliae	New England aster
Athyrium felix-femina (A. asplenoides)	Lady fern
Athyrium thelypteroides	Silvery glade fern
Carex appalachica (C. radiata)	Sedge
Carex pensylvanica	Pennsylvania sedge
Chimaphila maculata	Spotted or stripped wintergreen/Pipsissewa
Chimaphila umbellata	Pipsissewa, Prince's pine, Bitter wintergreen
Chrysopsis mariana	Maryland golden aster
Danthonia compressa	Flattened oat grass
Danthonia spicata	Oatgrass, Poverty grass

Dennstaedtia punctilobula	Hay-scented fern
Deschampsia caespitosa	Tufted hair grass
Deschampsia flexuosa	Common hair grass, Crinkled hair grass
Dryopteris intermedia	Common wood fern
Dryopteris marginalis	Marginal wood fern, Leatherleaf wood fern
Erigeron philadelphicus	Daisy fleabane
Eupatorium maculatum	Spotted Joe-Pye-Weed
Eupatorium rugosum	White snakeroot
Eupatorium sessilifolium	Upland boneset
Fragaria virginiana	Wild strawberry, Virginia strawberry
Gaultheria hispidula	Creeping snowberry, Creeping pearl berry
Gaultheria procumbens	Wintergreen, Teaberry, Checkerberry
Geranium maculatum	Wild geranium, Spotted cranesbill
Geum canadense	White avens, Winter rosette
Heuchera americana	Hairy alum root, Rock geranium
Hypericum ellipticum	Pale St. John's Wort
Muhlenbergia schreberi	Nimblewill
Oenothera fruticosa	Sundrops, Wild beet, Suncups, Scabish
Onoclea sensibilis	Sensitive fern, Bead fern
Osmunda claytoniana	Interrupted fern
Panicum clandestinum	Deer tongue grass
Panicum virgatum	Switch grass, Wild red top, Thatch grass
Parthenocissus quinquefolia	Virginia creeper, Woodbine, American
Phlox subulata	Mountain phlox, Moss pink, Moss phlox
Polygonatum biflorum	Smooth Solomon's seal, True K
Polygonatum virginianum (Tovaria v.)	Jumpseed
Polypodium virginianum	P. vulgare, Rocky polypody
Polystichum acrostichoides	Christmas fern, Dagger fern
Rudbeckia hirta var. hirta	Black-eyed Susan
Rudbeckia triloba	Thin-leaved cone flower
Thelypteris noveboracensis	New York fern
Tiarella cordifolia	Allegheny foamflower, False
Tradescantia virginiana	Virginia Spiderwort, Common
Verbena hastata	Blue vervain
Vernonia noveboracensis	New York ironweed
Verbesina alternifolia (Actinomeria a.)	Wingstem
Viola sororia	Wooly blue violet sister v

Shrubs

Amelanchier canadensis	Shadblow
Amelanchier laevis (A. arborea)	Serviceberry, Allegheny
Aronia arbutifolia	Red chokeberry
Aronia melanocarpa	Black chokeberry
Clethra alnifolia	Sweet pepperbush, Summersweet
Comptonia peregrina	Sweet fern, Meadow fern, Spleenwort bush
Cornus amomum	Silky dogwood
Cornus racemosa	Gray dogwood, Red-panicled dogwood
Cornus sericea (C. stolonifera)	Red osier dogwood
Corylus americana	American hazelnut
Corylus cornuta	Beaked hazelnut
Diervilla lonicera	Bushhoneysuckle, Blue herb, Gravel weed
Hamamelis virginiana	Witch hazel
Ilex glabra	Inkberry, Gallberry
Ilex verticillata	Winterberry
Juniperus communis	Common juniper
Juniperus horizontalis	Creeping juniper, Creeping cedar/ Savin
Kalmia angustifolia	Sheep laurel
Kalmia latifolia	Mountain laurel
Lindera benzoin	Spice bush
Myrica pensylvanica	Northern bayberry
Physocarpus opulifolius	Common ninebark
Potentilla fruticosa	Cinquefoil, Bush cinquefoil
Rhododendron maximum	Great laurel
Rhododendron periclymenoides	Pinkster azalea
Rhododendron viscosum	Swamp azalea
Rhus aromatica	Fragrant sumac, Sweet scented sumac/Lemon sumac
Rhus copallina	Winged sumac
Rhus glabra	Smooth sumac
Rhus typhina	Staghorn sumac
Rosa blanda	Smooth rose, Meadow rose
Rubus alleghaniensis	Common blackberry, Allegheny blackberry

Salix humilis	Prairie willow
Salix lucida	Shining willow
Sambucus canadensis	American elderberry
Spirea tomentosa	Hardhack spirea
Vaccinium angustifolium	Lowbush blueberry
Vaccinium corymbosum	Highbush blueberry
Viburnum acerifolium	Maple leaf viburnum
Viburnum alnifolium (V. Lantanoides)	Hobble bush
Viburnum dentatum	Arrowwood viburnum
Viburnum lentago	Nanny-berry
Viburnum prunifolium	Black-haw

**APPENDIX D****Selection List for On-site Trees**

## Small Trees

BOTANICAL NAME	COMMON NAME
Amelanchier laevis	Serviceberry
Betula nigra	River birch
Betula populifolia	Grey birch
Carpinus caroliniana	Hornbeam
Cercis canadensis	Eastern redbud
Cornus florida	Flowering dogwood
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Hamamelis virginiana	Witch hazel
Ilex opaca	American holly
Juniperus virginiana	Eastern red cedar
Populus tremuloides	Quaking aspen

## LARGE TREES

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple
Acer saccharum	Sugar maple
Betula lenta	Black/Sweet birch
Betula papyrifera	Paper birch
Celtis occidentalis	Common hackberry
Chamaecyparis thyoides	Cedar, Atlantic white

Fagus grandifolia	American beech tree
Fraxinus americanum	Ash, white
Fraxinus pennsylvanica	Ash, green
Larix laricina	Tamarack/American larch
Liquidambar styraciflua	Sweet gum
Liriodendron tulipifera	Tulip tree
Nyssa sylvatica	Black tupelo
Picea rubens	Spruce, red
Pinus resinosa	Pine, red
Pinus rigida	Pine, pitch
Pinus strobus	Pine, eastern white
Platanus occidentalis	American Sycamore
Populus deltoides	Eastern cottonwood
Populus grandidentata	Aspen, big toothed
Quercus alba	White oak
Quercus borealis	Northern red oak
Quercus palustris	Pin oak
Quercus phellos	Willow oak
Quercus prinus	Chestnut oak
Quercus rubra	Red oak
Tilia americana	Basswood

**APPENDIX E****Selection List for Street Trees`**

## Street Trees

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple
Amelanchier canadensis	Shadbush, Serviceberry
Carpinus caroliniana	American hornbeam, Musclewood
Celtis occidentalis	Hackberry
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Fraxinus pennsylvanica	Green ash
Fraxinus americana	White ash
Ginkgo biloba (male trees only)	Ginkgo
Gleditsia triacanthos inermis	Honey locust, thornless

Liquidambar styraciflua	Sweet gum
Nyssa sylvatica	Tupelo, swamp
Ostrya virginiana	American hop hornbeam
Quercus palustris	Pin oak
Quercus stellata	Post oak
Quercus phellos	Willow oak
Quercus rubra	Northern red oak
Taxodium distichum	Bald cypress
Tilia americana	Basswood
Tilia cordata	Little leaf linden

(End)

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on February 2, 2005, on file in this office.

.....  
City Clerk, Clerk of The Council