



CITY PLANNING COMMISSION

March 24, 2008 | Calendar No. 1

N 080081 ZRY

CORRECTED

Corrections noted with asterisks

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying regulations pertaining to street trees.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on September 14, 2007, to establish a requirement for street tree planting in all zoning districts, and to establish a requirement for sidewalk planting strips in lower-density residential zoning districts (R1 - R5).

BACKGROUND

Street trees and planting strips serve many public purposes; they provide environmental, aesthetic, and safety benefits. Specifically, trees and planted areas reduce urban heat island effect¹, remove air pollutants, mitigate storm water runoff, shade sidewalks and buildings, improve neighborhood streetscapes, reduce glare affecting drivers and pedestrians, and separate pedestrians from vehicles. The proposed text amendment would establish citywide street tree planting requirements, unify street tree planting standards, and establish requirements for planting strips in lower density residential districts. The proposed text amendment would maximize the public benefits of street trees by requiring street tree planting throughout the city while limiting applicability to keep costs low relative to the total cost of the construction project. By requiring planting strips in lower-

¹ The term “heat island” refers to urban air and surface temperatures that are higher than nearby rural areas. Many U.S. cities and suburbs have air temperatures up to 10°F warmer than the surrounding natural land cover. (U.S. Environmental Protection Agency, www.epa.gov/heatisland/about/index.html)

density residential districts, the proposed text amendment would also reinforce the existing character of these neighborhoods. The Department of City Planning has reviewed this proposal with other city agencies that would have a role in implementation, including the Department of Parks and Recreation, the Department of Buildings, the Department of Transportation, and the Landmarks Preservation Commission.

Street Tree Requirements

Currently, the Zoning Resolution requires planting of street trees as a condition of new development in seventeen special zoning districts and under Quality Housing regulations and Lower Density Growth Management Area regulations. These existing regulations are not uniform. The requirements generally require that one street tree be provided for every 25 feet of street frontage. Existing regulations generally call for the planting of street trees that are a minimum of three inches in caliper (although some areas call for a minimum of 2.5, 3.5, or four inches in caliper).

To make street tree planting standards uniform throughout the city, the proposed text would replace the various street tree planting regulations that currently exist in different areas of the city with a single set of standards. The proposal establishes regulations (ZR Sections 23-03, 24-05, 26-41, 33-03, 43-02) that would require planting of street trees in all zoning districts as a condition of all new developments, enlargements that involve a 20% or greater increase in floor area on the zoning lot), and certain conversions (where 20% or more of the building's floor area is changed in use

between commercial, residential, community facility, or manufacturing uses). Industrial uses (Use Groups 17 and 18) would not be subject to the street tree requirement, and semi-industrial and automotive uses (Use Group 16) would be subject to a lesser street tree planting requirement. Certain special district regulations containing broader applicability of street tree planting requirements would be retained.

One street tree would be required for every 25 feet of street frontage of the zoning lot, with a minimum requirement of one street tree. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. The site owner would be responsible for planting the required street trees. Existing street trees along the street frontage would count towards the requirement. Semi-industrial and automotive uses (Use Group 16) would be subject to a lesser street tree planting requirement: one tree would be required for every 25 feet of the street frontage of the zoning lot excluding any permitted curb cuts. All other standards for street tree planting, such as tree caliper and tree pit dimensions, would be established by the New York City Department of Parks and Recreation (DPR).

Certain site constraints could preclude street tree planting. For some sites, street tree planting would be unfeasible due to conflicts with infrastructure. In certain Historic Districts, the Landmarks Preservation Commission (LPC) may find that street trees would be out of character. The proposed text would require trees that cannot be planted due to site constraints such as infrastructure or LPC

findings to be planted in an alternate offsite location selected by DPR. A qualifying location would be either 1. an existing street tree pit, or 2. an area owned by the City of New York, excluding sidewalks adjacent to privately owned property. The alternate offsite location must be within the Community District or one-half mile of the development site. If DPR cannot select a suitable site for a tree within this area, then DPR would waive the street tree requirement.

Planting Strip Requirements

A planting strip is a planted area adjacent to the sidewalk pavement, ordinarily located between the curb and the sidewalk. Currently, the Zoning Resolution includes requirements for sidewalk planting strips only in conjunction with private roads, where a minimum three-foot wide planting strip must be provided adjacent to and along the entire length of the required curb. These regulations would remain in effect for private roads.

In lower-density residential zoning districts (R1 – R5), new developments, enlargements of more than 20 percent, and certain conversions would be subject to the proposed planting strip requirement (ZR Sections 23-04, 24-06, 26-42). Planting strips would not be required in commercial overlay districts within R1 through R5 residential districts. This requirement would apply to residential and community facility uses. Driveways would be permitted to traverse planting strips, and utilities would be permitted to be located within such planting strips. Grass or groundcover would be required in the planting strip. DOT sets standards for sidewalk paving and infrastructure

installation within the sidewalk area; accordingly, the width of any required planting strip would be determined by the Department of Transportation. For private roads, the minimum width of the planting strip would be three feet.

ENVIRONMENTAL REVIEW

This application (N 080081 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP016Y. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 17, 2007.

PUBLIC REVIEW

This application (N 080081 ZRY) was duly referred on September 17, 2007, to all Community Boards and Borough Presidents, in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Bronx Community Board 9: On October 18, 2007, the Community Board 9 recommended approval of the application.

Brooklyn Community Board 2: On November 14, 2007, Community Board 2 recommended approval of the application by a vote of 25 in favor, 0 opposing, and 0 abstaining.

Brooklyn Community Board 14: On November 19, 2007, Community Board 14 recommended that the application be denied, for the following reasons:

1. "The Department of City Planning has not reviewed the effect on tree size of the proposed 25-foot tree spacing requirement."
2. "Any owner of a property where a tree is planted pursuant to this text amendment may not be held harmless from the cost or liability from such planting, including any cost or liability associated with sidewalk damage due to root growth."
3. "The individual property owner is not protected from being saddled with additional maintenance or utility charges, i.e. water and/or sewer fees, due to mandated tree planting."

Manhattan Community Board 1: On November 20, 2007, Community Board 1 recommended approval of the application by a vote of 36 in favor, 0 opposed, and 0 abstaining, with the recommendations that the departments of City Planning, Parks and Recreation, Buildings, and Transportation, and the Mayor's Office for Disabled Persons, should increase coordination regarding street tree planting; and that the city offer an emergency watering and maintenance program when trees are in danger from climate conditions.

Manhattan Community Board 2: On October 18, 2007, Community Board 2 recommended approval of the application by a vote of 43 in favor, 0 opposed, and 0 abstaining.

Manhattan Community Board 3: At its October 2007 monthly meeting, Community Board 3 passed a resolution supporting the application.

Manhattan Community Board 5: On October 11, 2007, Community Board 5 recommended approval of the application by a vote of 32 in favor, 0 opposed, and 1 abstaining.

Manhattan Community Board 8: On November 14, 2007, Community Board 8 recommended approval of the application by a vote of 38 in favor, 0 opposed, 0 abstaining.

Queens Community Board 2: On November 1, 2007, Community Board 2 recommended approval of the application with the following modification:

1. "The proposed exemption for Use Groups 17 and 18 in the text would be removed and the street tree planting requirements would be extended to apply to light and heavy industrial uses (Use Groups 17 and 18)."

Queens Community Board 3: On November 15, 2007, Community Board 3 recommended approval of the application by a vote of 26 in favor, 3 opposed and 1 abstention, with the following exceptions:

1. "The Zoning text must include input by the Department of Parks and Recreation

(DPR) relative to widths of sidewalks and street belt planting strips, and the Department of Transportation (DOT) relative to sidewalk amenities/ installations.”

2. “There should be no charges assessed to the property owners for street tree plantings. This has never been the responsibility of the property owner and should not be changed. We also disagree with a tree requirement for existing homeowners who make a 20% alteration addition to their home. This percentage is too low and could be triggered very easily on small lots.”
3. “There should not be exceptions concerning the street tree planting for any zoning district. The current proposal excludes Use Group 16 (automotive and semi-industrial uses), and exempts Use Group 17 and 18 (light and heavy industrial uses). Since these are considered noxious but necessary uses, the tree planting would absorb fumes and help enhance these areas.”

Queens Community Board 4: On November 13, 2007, Community Board 4 recommended approval of the application by unanimous vote.

Queens Community Board 5: On November 14, 2007, Community Board 5 recommended approval of the application by a vote of 36 in favor, 0 opposed, and 0 abstaining, with the recommendations that: trees should be spaced 20 feet apart; at least one street tree should be planted for each tax lot; street trees and planting strips should be required whenever a sidewalk is being repaired or replaced; and tree pit grating should not be required.

Queens Community Board 7: On October 22, 2007, Community Board 7 unanimously recommended that the application be disapproved. The Community Board made the following recommendations:

1. “The Zoning Text must include input by the Department of Parks and Recreation (DPR) relative to widths of sidewalks and street belt planting strips, and the

Department of Transportation relative to sidewalk amenities/ installations.”

2. “There should be no charges assessed to the property owners for street tree plantings. This has never been the responsibility of the property owner and should not be changed. We also disagree with a tree requirement for existing homeowners who make a 20% alteration addition to their home. This percentage is too low and could be triggered very easily on small lots.”
3. “There should not be exceptions concerning the street tree planting for any zoning district. The current proposal excludes Use Group 16 (automotive and semi-industrial uses), and exempts Use Group 17 and 18 (light and heavy industrial uses). Since these are considered noxious but necessary uses, the tree planting would absorb fumes and help enhance these areas.”

Queens Community Board 8: On November 19, 2007, Community Board 8 recommended approval of the application, by a vote of 19 in favor, 13 opposed, and 0 abstaining.

Queens Community Board 9: On October 9, 2007, Community Board 9 recommended approval of the application, by a vote of 31 in favor, and 1 opposed. The Community Board also recommended that all street trees be planted with nutrient bags and pits properly prepared and graded to avoid rain water runoff.

Queens Community Board 11: In a letter dated November 20, 2007, Community Board 11 stated that they support the amendment with the recommendations: that the text include input from the Department of Parks and Recreation and the Department of Transportation in relation to widths of sidewalks and street tree planting strips, and sidewalk amenities/ installations; and that there be no exemption of street tree planting for any zoning districts including Use Group 16, auto service establishments.

Queens Community Board 14: On October 9, 2007, Community Board 9 recommended approval of the application by a vote of 27 in favor, 3 opposed, and 1 abstaining.

Staten Island Community Board 3: On December 18, 2007, Community Board 3 recommended approval of the application by a vote of 25 in favor, 0 opposed, and 0 abstaining.

Borough President Review

This application was considered by the Bronx, Brooklyn, Manhattan, Queens, and Staten Island Borough Presidents. Recommendations approving the application were received from the Bronx, Brooklyn, Manhattan, and Staten Island Borough Presidents. The Bronx Borough President commented that the street tree planting requirement might be unduly burdensome for single-family homes enlarged by 20%. The Brooklyn Borough President commented that sidewalk planting strip requirements should apply also to non-commercial wide streets such as Kings Highway and Ocean Avenue. The Manhattan Borough President commented that in the Special Clinton District, existing broader applicability of street tree planting requirements should remain, so that alterations of 30% or more existing floor area would remain as a trigger for the street tree planting requirement. He also recommended that this broader applicability be extended citywide. He further recommended that the street tree planting requirements should apply uniformly to all Use Groups, including Use Group 17 and 18 developments, noting that Joint Live and Work

Quarters for Artists (JLWQA) are in Use Group 17. The Staten Island Borough President commented that implementation of the proposed street tree and planting strip text should be facilitated as much as possible.

Borough Board Review

No recommendations were received from the Bronx, Brooklyn, Manhattan, Queens, or Staten Island Borough Boards.

City Planning Commission Public Hearing

On December 5, 2007 (Calendar No. 16), the City Planning Commission scheduled December 19, 2007, for a public hearing on this application (N 080081 ZRY). The hearing was duly held on December 19, 2007 (Calendar No. 35). There were twenty speakers in favor of the application and no speakers in opposition.

A representative from the Manhattan Borough President's office expressed the Borough President's support for the application and requested that existing, broader applicability of street tree planting requirements in the Special Clinton District be retained.

The First Deputy Commissioner of the New York City Department of Parks and Recreation spoke in support of the application, noting that the Department of Parks and Recreation is pleased that

this proposed zoning text will augment its own tree planting efforts through PlaNYC 2030, including the Million Trees NYC campaign, which aims to plant one million new trees throughout New York City in the next 10 years, and to educate the public about the importance and benefits of trees. He also noted that through PlaNYC 2030, the Department of Parks and Recreation will receive \$7.5 million to expand its tree maintenance program. The speaker also described how trees benefit property values and air quality, reduce carbon in the atmosphere and help prevent global climate change, cool the air, and provide wildlife habitat.

Representatives of New Yorkers for Parks and CIVITAS spoke in support of the application. The speakers lauded the Million Trees NYC campaign and Mayor Bloomberg's PlaNYC 2030, noting that street trees improve property values and business areas, and are frequently planted in Business Improvement Districts.

Representatives of Friends of Greenwich Street, Trees NY and the NYC Street Tree Consortium spoke in support of the application. The speakers noted that many community members and businesses choose to participate in tree planting and care through the Tribeca Trees program and the Citizen Pruner program, and in other capacities.

A representative of United States Forest Service spoke in support of the application, noting that there is much scientific research in support of the ecological and health benefits of street trees in

urban areas.

Representatives of the New York League of Conservation Voters and New York City Audubon Society spoke in support of the application, noting that trees reduce air pollution, capture storm water runoff, and provide critical bird and wildlife habitat.

A representative of the Open Space Alliance of North Brooklyn spoke in support of the application. The speaker noted that the Greenpoint area of Brooklyn would benefit from this text amendment, as it is a former industrial area with few street trees, which is experiencing much new development as a result of recent rezoning.

A representative of Neponsit Property Owners Association expressed support for the application. The speaker's comments recommended that street tree planting should be required whenever a building is substantially torn down and replaced, even if the construction is not considered to constitute an enlargement of 20 percent.

Representatives of the Storm Water Infrastructure Matters (S.W.I.M) Coalition, Sustainable South Bronx, Natural Resources Defense Council, the Gaia Institute, Environmental Defense, and Brooklyn Botanic Garden spoke in support of the application. The speakers recommended the tree planting standards be revised to maximize the absorption of storm water.

A representative of the New York Restoration Project spoke in support of the application. The speaker recommended that tree pit standards be modified to improve storm water management, that planting strips be maximized and included in commercial as well as residential areas, and that maintenance of street trees be addressed through zoning.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 07-073. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application for the zoning text amendment (N 080081 ZRY), as modified, is appropriate.

The proposed text would result in the planting of street trees throughout New York City, and the installation of sidewalk planting strips in lower density residential areas of the city. The Commission recognizes the many valuable environmental, aesthetic, and safety benefits that street trees and planting strips offer the public. The Commission also recognizes that street tree planting is a goal of the PlaNYC 2030 agenda of Mayor Bloomberg, and that the many public benefits of street trees and planting strips are in concert with the goals of PlaNYC 2030. The proposed text amendment would also unify standards for street tree planting, facilitating smooth and equitable implementation in all areas of the city.

Several advocates recommended more stringent planting standards incorporating storm water management best practices. The Commission recognizes that the proposed text amendment would enable the Department of Parks and Recreation to apply appropriate standards to tree pits and trees throughout the city, and to update these standards as needed. Several advocates recommended that street tree maintenance be required in the zoning text amendment. The Commission recognizes that street trees are maintained by the Department of Parks and Recreation, and that the Department of Parks and Recreation is working with numerous organizations and community groups to educate the public about tree care and protection.

The Commission has carefully considered the recommendations and comments of the community

boards and the Borough Presidents. The Commission believes that several of the comments would be appropriate to include in the proposal and therefore has modified the proposed text accordingly. In particular, the Commission acknowledges the concerns of the Bronx Borough President and Queens Community Boards 3 and 7 regarding the cost of street tree planting for homeowners enlarging small single- and two-family homes. While it also received comments from community boards and testimony from a representative of a homeowner's association recommending that the planting requirements be extended to smaller modifications, the Commission believes that it is appropriate to modify the proposed text to prevent undue burden on owners of small homes. Therefore, the Commission has modified the proposal so that, for single- and two-family homes, enlargements of less than 400 square feet would be exempt from the street tree planting requirements. The modified text would also exempt construction of a new detached garage that is less than 400 square feet from the street tree planting requirement. The Commission believes that this modification is consistent with the intent to require street tree planting where its cost is reasonable in proportion to the total cost of the construction project.

The Commission shares the concerns of the Staten Island Borough President regarding the implementation of the zoning text by other city agencies. In response, the Commission has modified the proposal to offer an option to applicants to make a payment in lieu of planting a required tree. Under this modification, payments would be collected in a dedicated City fund, which the Department of Parks and Recreation would use to plant trees in fulfillment of the zoning

requirements. This payment option would be available in lieu of planting required trees off-site, and in lieu of planting required street trees outside of planting season in the approved locations in front of the zoning lot. The Commission has further modified the proposal to establish a time limit of 30 days within which the Department of Parks and Recreation would be required to identify an available offsite planting location. Under this modification, if the 30-day time limit is not met, then the tree(s) to be planted offsite would be waived. This time limit would assure permit applicants that they would be provided with the information necessary to fulfill the off-site planting requirements within a reasonable time frame, preventing undue delay during the development process. Furthermore, the Commission has modified the referred zoning text amendment so that required trees to be planted offsite would be planted in unpaved areas. Pavement removal can increase the cost of tree planting; this modification would help to ensure that the cost of tree planting is reasonable.

In response to the comments of the Manhattan Borough President regarding existing street tree planting requirements in the Special Clinton District, the Commission has modified the proposal to retain existing, broader applicability of the street tree planting requirements in the Special Clinton District. In response to recommendations from community boards regarding the dimensions of sidewalks and planting strips, the Commission has modified the proposal so that new planting strips would not be required where they would be less than 6 inches wide due to the minimum required width of sidewalk pavement. The width of planting strips would be maximized given

Department of Transportation requirements for the sidewalk pavement. Under this modification, wherever possible, the required planting strips would be installed between the paved sidewalk and the curb.

The Commission also makes an additional modification to the proposed text in response to further analysis and review of the text following referral. The Commission modifies the proposed text by adding Section 123-81 (Modification of Planting Strips), so as not to require the sidewalk planting strip in Special Mixed-Use (MX) Districts. This modification reflects the similarity between Special Mixed-Use Districts and commercial overlay districts, in which the proposed text does not require planting strips recognizing the functional differences between sidewalks in residential and commercial areas. The Commission modifies Section 26-42 (Planting Strips), so that the requirement for a planting strip would be triggered by the same activities as would the requirement to plant street trees. The Commission also modifies Section 37-742 (Planting and Trees), and removes Section 37-95 (Street Tree Planting); these modifications address street tree planting regulations that were modified after the proposed text amendment was referred out for Public Review on September 19, 2007.

The Commission therefore believes that the proposed text amendment, as modified, would result in the planting of street trees throughout New York City, and the installation of sidewalk planting strips in lower density residential areas of the city, which would provide numerous valuable public

benefits, including environmental, aesthetic, and safety and health benefits.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article II

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-012

Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply to all #residential developments# or #enlargements#. Such regulations are superceded or supplemented as set forth in the following Sections:

* * *

Section 26-30 (SPECIAL REGULATIONS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive

~~Section 26-40 (STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS)~~

Section 105-702 (Applicability of lower density growth management area regulations)

* * *

23-03

Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6* R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments# or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more;
- (b) #single or two-family residences# that #enlarge# by 400 square feet or greater;
- (c) conversions of 20 percent or more of the #floor area# of a non-#residential building# to a #residential use#;or
- (d) construction of a detached garage that is 400 square feet or greater.

* Due to typographical error, R6 did not appear in the uncorrected version.

23-04

Planting Strips in Residence Districts

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42 (Planting Strips):

- (a) #developments# or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more;
- (b) #single or two-family residences# that #enlarge# by 400 square feet or greater;
- (c) conversions of 20 percent or more of the #floor area# of a non-#residential building# to a #residential use#;or
- (d) construction of a detached garage that is 400 square feet or greater.

* * *

Article II

Chapter 4

Bulk Regulations for Community Facility Buildings in Residence Districts

* * *

24-05

Street Tree Planting

R1 R2 R3 R4 R5 R6* R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments# or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more;
- (b) #single or two-family residences# that #enlarge# by 400 square feet or greater;
- (c) conversions of 20 percent or more of the #floor area# of a non-#residential building# to a #residential use#;or
- (d) construction of a detached garage that is 400 square feet or greater.

* Due to typographical error, R6 did not appear in the uncorrected version.

24-06

Planting Strips

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42 (Planting Strips):

- (a) #developments# or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more;
- (b) #single or two-family residences# that #enlarge# by 400 square feet or greater;
- (c) conversions of 20 percent or more of the #floor area# of a non-#residential building# to a #residential use#;or
- (d) construction of a detached garage that is 400 square feet or greater.

* * *

Article II
Chapter 5
Accessory Off-Street Parking and Loading Regulations

* * *

25-631
Location and width of curb cuts in certain districts

All curb cuts shall comply with the provisions of this Section, except that in #lower density growth management areas#, the provisions of Section 25-632 shall apply.

* * *

- (c) Modification of curb cut location requirements:

* * *

R6 R7 R8

- (2) In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the City Planning Commission may authorize modification of the location and width of curb cuts as required by the provisions of this Section provided that the Commission finds that:
 - (i) the proposed modification does not adversely affect the character of the surrounding area; and
 - (ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curb side parking spaces along the #street frontage# of the #development#.

~~The Commission may prescribe #street# tree planting requirements where appropriate to enhance the character of the #development# and the surrounding area.~~

* * *

Article II
Chapter 6
Special Urban Design Guidelines - Streetscape
Special Requirements for Developments in R9 and R10 Districts, Developments with Private Roads and Street Tree Planting

26-00
Applicability of this Chapter

The regulations of this Chapter shall apply to:

* * *

- (d) ~~#developments#, #enlargements# or conversions in all districts as applicable in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, as set forth in Section 26-40 (STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS).~~

* * *

26-12
General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of Section 26-10, the regulations of Sections 26-13 through 26-17, inclusive, are intended to:

- (a) guide the location of arcades to assure horizontal continuity of new developments with existing building arcades and to maintain visual continuity at street level;
- (b) require transparency and/or articulation of front walls to improve the visual quality of the street;
- ~~(c) provide for street tree planting in order to enhance the visual character of the neighborhood;~~
- ~~(d)~~ improve the quality of the street environment;
- ~~(e)~~ limit the number and location of curb cuts, minimizing undue conflict between pedestrian

and vehicular movements; and

- (fe) eliminate trash on sidewalks by requiring central refuse storage areas within the zoning lot.

* * *

26-142

Street tree planting

~~All #developments# shall provide and maintain trees of four inch caliper, at the time of planting, in the sidewalk adjacent to the #zoning lot#. Such trees shall be provided for the entire length of #street# frontages of the #zoning lot# for every 25 feet of #street# frontage at approximately equal intervals except where the Commissioner of Transportation determines that such tree planting would be infeasible. All #street# trees shall be planted with gratings or other covers flush to grade, and in at least 3.5 cubic yards of top soil per tree with a minimum depth of soil of 3 feet, 6 inches.~~

~~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 December 15, 1977.~~

* * *

26-143 26-142

Street wall articulation

* * *

26-23

Requirements for Planting Strips and Trees

A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip.

Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips.

* * *

26-40

STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS

~~In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, all #developments# shall provide and maintain along the entire #street# length of the #zoning lot#, one street tree for every 25 feet of #street# frontage of the #zoning lot#. Such trees shall be of at least three-inch caliper at the time of planting and be placed at approximately equal intervals, except where the Department of Parks and Recreation determines that such tree planting would be unfeasible. All such trees shall be planted, maintained and replaced when necessary with the approval of and in accordance with the standards of the Department of Parks and Recreation.~~

26-41

Street Tree Planting

In accordance with applicability requirements of underlying district regulations, one #street# tree, pre-existing or newly planted, shall be provided for every 25 feet of #street# frontage of the #zoning lot#. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the #street# adjacent to the #zoning lot#.

Where the Department of Parks and Recreation determines that such tree planting would be infeasible adjacent to the #zoning lot#, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, such tree shall be planted in an alternative location, to be selected by the Department of Parks and Recreation, except that if the Department of Parks and Recreation determines that no alternative location is available, or if no alternative location is provided within 30 days of an application for a Department of Parks and Recreation permit, such offsite tree shall be waived. Offsite trees shall be planted at alternative locations as follows:

(a) within an existing empty #street# tree pit or planting strip; or

(b) within an unpaved area owned by the City of New York.

All such alternative locations shall be within the Community District or one half mile of the #development# site.

In lieu of planting an offsite tree in an available alternative location, or in the event that planting adjacent to the #zoning lot# cannot be completed due to season, funds equivalent to the cost of planting such tree, as established by rule of the Department of Parks and Recreation, may be deposited in an account of the City of New York. Such funds shall be dedicated to the planting of #street# trees by the City of New York at an alternative location, or in the case of off-season

deposit, in front of the #zoning lot# at the next appropriate planting season.

The species and caliper of all #street# trees shall be determined by the Department of Parks and Recreation, and all such trees shall be planted in accordance with the #street# tree planting standards of the Department of Parks and Recreation.

26-42 **Planting Strips**

In accordance with applicability requirements of underlying district regulations, the owner of the #development#, #enlargement#, or converted #building# shall provide and maintain a planting strip. #Street# trees required pursuant to Section 26-41 shall be planted within such planting strip. In addition to such #street# trees, such strip shall be fully planted with grass or groundcover. Such planting strip shall be located adjacent to and extend along the entire length of the curb of the #street#. However, in the event that both adjoining properties have planting strips adjacent to the #front lot line#, such planting strip may be located along the #front lot line#. The width of such planting strip shall be the greatest width feasible given the required minimum paved width of the sidewalk on #street# segments upon which the #building# fronts, except that no planting strip less than six inches in width shall be required. Driveways are permitted to traverse such planting strip, and utilities are permitted to be located within such planting strip.

* * *

Article II **Chapter 8** **The Quality Housing Program**

* * *

28-03 **Quality Housing Program Elements**

The Quality Housing Program consists of four components: neighborhood impact, building interior, recreation space and planting, and safety and security.

The neighborhood impact component controls the effect of the Quality Housing #building# on the neighborhood and includes mandatory #bulk# regulations ~~and #street# tree planting, both of which are mandatory.~~

* * *

28-12

Street Tree Planting

In addition to the applicable underlying #street# tree planting requirements, ~~A all Quality Housing #developments# or conversions, and #enlargements# or #extensions# that increase the existing #residential floor area# by at least 20 percent, shall provide #street# trees in accordance with Section 26-41(Street Tree Planting).~~ provide and maintain along the entire #street# length of the #zoning lot#, one #street# tree for every 25 feet of #street# frontage of the #zoning lot#. Such trees shall be of at least three inch caliper at time of planting and be placed at approximately equal intervals except where the Commissioner of Buildings determines that such tree planting would be unfeasible. The Commissioner of Buildings may refer such matter to the Department of Transportation and the Department of Parks and Recreation for reports and may base the determination on such reports. All #street# trees shall be planted, maintained and replaced when necessary with the approval of, and in accordance with the standards of, the Department of Parks and Recreation and the Department of Transportation.

* * *

Article III

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-03

Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments# or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more;
- (b) #single or two-family residences# that #enlarge# by 400 square feet or greater;
- (c) any #building# where 20 percent or more of the #floor area# is converted from a #manufacturing use# to a #commercial#, #residential# or #community facility use#, or from a #commercial use# to a #residential# or #community facility use# ;or
- (d) construction of a detached garage that is 400 square feet or greater.

The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, C and D.

* * *

Article III
Chapter 7
Special Regulations

* * *

37-03
Off-Street Relocation or Renovation of a Subway Stair

Where a #development# or #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-44 101-43, the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of this Section.

* * *

~~37-22~~
~~Street Tree Planting Requirements in C1, C2 and C4 Districts~~

~~In all C1, C2 and C4 Districts in the Borough of Staten Island, the #street# tree planting requirements of Section 26-40 (STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.~~

* * *

37-742
Planting and trees

* * *

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #public plazas# in accordance with Section 26-41(Street Tree Planting). ~~At least one tree of four inch caliper or more shall be planted for each 25 feet of the entire #street# frontage of the #zoning lot#, excluding the frontage occupied by driveways.~~ The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may also be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. ~~Species shall be selected, located, planted and maintained in accordance with the specifications established by the Department of Parks and Recreation. If the Commissioner of Buildings~~

Department of Parks and Recreation determines that the tree planting requirements of this paragraph are infeasible ~~cannot be met in part or in whole because of subsurface conditions such as the presence of a subway tunnel,~~ the number of required #street# trees that cannot be planted as required in this paragraph shall be planted in accordance with the offsite tree provisions set forth in Section 26-41 ~~in the public sidewalk areas of #streets# on the same #block# as the #zoning lot# to which it has frontage or within the #public plaza#.~~

* * *

~~37-95~~

~~Street Tree Planting~~

~~All #developments# or #enlargements# shall provide and maintain along the entire #street# length of the #zoning lot# one #street# tree for every 25 feet of #street# frontage of the #zoning lot#. Such trees shall be of at least three inch caliper at the time of planting and be placed at approximately equal intervals, except where the Department of Parks and Recreation determines that such tree planting would be unfeasible. All such trees shall be planted, maintained and replaced when necessary with the approval of and in accordance with the standards of the Department of Parks and Recreation.~~

* * *

Article IV

Chapter 3

Bulk Regulations

* * *

43-02

Street Tree Planting in Manufacturing Districts

M1 M2 M3

In all districts, as indicated, all #developments# or #enlargements# of 20 percent or more in #floor area#, excluding #developments# or #enlargements# in Use Groups 17 or 18, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is converted from a #manufacturing use# to a #commercial# or #community facility use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, C and D.

* * *

Article VI

Chapter 2

Special Regulations Applying in the Waterfront Area

* * *

62-354

Special height and setback regulations

Within Waterfront Access Plan BK-1, the provisions of Section 62-341 (Developments on land and platforms) are modified as follows:

* * *

- (i) In addition to the applicable underlying #street# tree planting requirements, A all #developments#, conversions, and #enlargements# or #extensions# which increase the existing #floor area# by more than 10 percent, shall provide #street# trees in accordance with Section 26-41(Street Tree Planting). along the entire #street# length of the #zoning lot#, one tree for every 25 feet of street frontage. Such trees shall be of at least three inch caliper at the time of planting and be placed at approximately equal intervals except where the Department of Parks and Recreation determines that such tree planting would be unfeasible. Such trees shall be planted in accordance with the standards of the Department of Parks and Recreation.

* * *

Article VII

Chapter 7

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

77-40

SUPPLEMENTAL REGULATIONS

For #buildings developed# or #enlarged# on #zoning lots# in which a district boundary divides the #building# such that the Quality Housing Program applies in one portion of the #building# but not the other, the following Sections of Article II, Chapter 8, shall apply to the entire #building# or #zoning lot#, as applicable:

Section 28-12 (Street Tree Planting)

Section 28-20 (BUILDING INTERIOR)

Section 28-30 (RECREATION SPACE AND PLANTING AREAS)

Section 28-40 (SAFETY AND SECURITY)

Section 28-50 (PARKING FOR QUALITY HOUSING).

* * *

Article IX - Special Purpose Districts

Chapter 2

Special Park Improvement District

* * *

92-05

Mandatory Tree Planting Provisions

~~All new #developments# within the Special District shall provide and maintain trees of not less than four inch caliper at the time of planting on sidewalks for the entire length of #street# frontages of the #zoning lot#. These trees shall be planted at maximum intervals of 30 feet and in accordance with Department of Transportation guidelines.~~

92-06 92-05

Maximum Number of Accessory Off-Street Parking Spaces

* * *

Article IX - Special Purpose Districts

Chapter 3

Special Hudson Yards District

* * *

93-62

Street Tree Planting

~~All new #developments# or #enlargements# shall provide and maintain trees of not less than four inch caliper at the time of planting in the sidewalk adjacent to the #zoning lot#. In addition to the applicable underlying #street# tree planting requirements, I in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, trees shall also be provided along the #street# edge of~~

the mandatory sidewalk widening. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least 3 feet, 6 inches. Species shall be selected ; and installed ~~and maintained~~ in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

* * *

Article IX - Special Purpose Districts

Chapter 4

Special Sheepshead Bay District

* * *

94-072

Landscaping

~~All new #development# within the Special District, which is located on a #zoning lot# with frontage along Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue, shall provide and maintain trees of not less than 4 inch caliper at the time of planting. There shall be at least one such tree for approximately every 20 feet of lot frontage along such #streets# and these trees shall be within 2 feet of the curb lines, starting from a point approximately 10 feet from the #side lot line# of the #zoning lot#.~~

~~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 December 15, 1977.~~

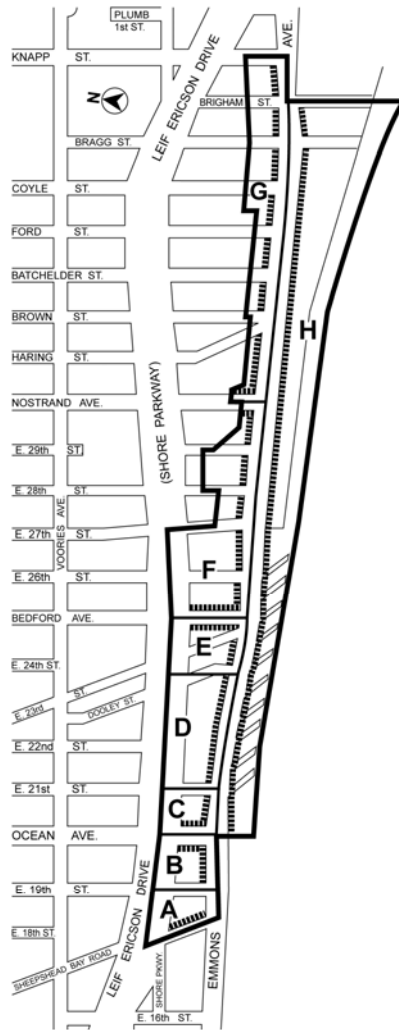
94-073 94-072

Special plaza provisions

* * *

Appendix A

Special Sheepshead Bay District Map



— Special Sheepshead Bay District
 — Area Boundary

MANDATORY PROVISIONS

Front Setback and Tree Planting
 Special Plaza Provisions— Areas A, C, and E

Article IX - Special Purpose Districts

Chapter 5

Special Transit Land Use District

* * *

95-10

~~SPECIAL PROVISION FOR TREES~~

~~All new #developments# within the Special District shall provide and maintain trees of not less than 4 inch caliper at the time of planting on sidewalks for the entire length of #street# frontages of the #zoning lot#. These trees shall be planted at maximum intervals of 25 feet and in accordance with Department of Transportation guidelines. Where such tree planting is infeasible on sidewalks, it shall be provided alternatively on the #zoning lot#.~~

95-11 95-10

Miscellaneous Provisions

* * *

95-12 95-11

Recordation

* * *

95-13 95-12

Termination of Transit Easement Volume

* * *

95-14 95-13

Previous Transit Easement Agreements

* * *

Article IX - Special Purpose Districts

Chapter 6 Special Clinton District

* * *

96-51 Mandatory Tree Planting Provisions

All ~~#developments#~~ within the Special District shall provide and maintain trees of not less than 4-inch caliper at the time of planting on sidewalks for the entire length of ~~#street#~~ frontage of the ~~#zoning lot#~~. These trees shall be planted at maximum intervals of 30 feet and in accordance with Department of Transportation guidelines. In addition to the applicable underlying #street# tree planting requirements, The tree planting provisions shall also apply to ~~#enlargements#~~, ~~#extensions#~~ or alterations, other than ~~#incidental alterations#~~, involving 30 percent or more of the existing ~~#floor area#~~ of a ~~#building#~~. Notwithstanding the provisions of Section 43-02 (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Clinton District# that include #uses# listed in Use Group 17 or 18 shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

* * *

Article IX - Special Purpose Districts

Chapter 9 Special Madison Avenue Preservation District

* * *

~~99-06~~ ~~Mandatory Tree Planting Provisions~~

All new ~~#developments#~~ within the Special District shall provide and maintain trees of not less than four inch caliper, at the time of planting, on sidewalks for the entire length of ~~#street#~~ frontage of the ~~#zoning lot#~~. Those trees shall be planted at maximum intervals of 25 feet and be provided with metal guards in accordance with Department of Transportation guidelines.

~~99-07~~ 99-06 Off-Street Parking Regulations

* * *

~~99-08~~ 99-07

Authorization to Waive Midblock Transition Portion Heights Limitation

* * *

Article X

Special Purpose Districts

Chapter 1

Special Downtown Brooklyn District

* * *

101-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following ~~eight~~ seven maps:

Map 1 Special Downtown Brooklyn District and Subdistricts

Map 2 Ground Floor Retail Frontage

Map 3 Ground Floor Transparency Requirements

Map 4 Street Wall Continuity and Mandatory Sidewalk Widening

Map 5 Curb Cut Restrictions

~~Map 6 Street Tree Planting~~

Map 7 6 Height Limitation Areas

Map 8 7 Subway Station Improvement Areas

The maps are located within Appendix E (Special Downtown Brooklyn District Maps) of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

* * *

101-30

SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

The provisions of this Section shall apply within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas, as shown on Map 7 6 in Appendix E of this Chapter.

(a) Flatbush Avenue Extension Height Limitation Area

Within the Flatbush Avenue Extension Height Limitation Area, no #building or other

structure# shall exceed a height of 400 feet.

(b) Schermerhorn Street Height Limitation Area

Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph, (b), shall apply:

(1) Public plaza prohibition

No #public plazas# shall be permitted within Area B of Map 7 6.

(2) Height and setback regulations

The tower provisions of Section 101-223 shall not apply. The standard height and setback regulations of Section 101-222 shall apply within Area A of Map 7 6, and are modified to limit maximum building height to 140 feet within Area B, and to permit a maximum building height of 250 feet within Area C of Map 7 6. For #buildings developed# or #enlarged# pursuant to the Quality Housing Program, the underlying height and setback regulations shall apply, except that the maximum height of a #building# shall be as specified on Map 7 6 or as specified pursuant to the Quality Housing Program, whichever is less.

* * *

101-43

Street Tree Planting Regulations

~~Map 6 (Street Tree Planting) in Appendix E of this Chapter specifies #streets# where the tree planting requirements of this Section shall apply.~~

~~All #buildings# located on the #streets# specified on Map 6 shall provide and maintain trees of not less than four inch caliper, at the time of planting, in the sidewalk adjacent to the #zoning lot#. Such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#. Such trees shall be planted at maximum intervals of 25 feet and at a distance from the curb consistent with existing tree plantings, except where the Commissioner of Parks and Recreation determines that such tree planting would be infeasible. These trees shall be provided with metal guards in accordance with Department of Parks and Recreation guidelines.~~

101-44 101-43

Off-Street Relocation or Renovation of a Subway Stair

* * *

101-45 101-44
Indoor Bicycle Parking

* * *

APPENDIX E
Special Downtown Brooklyn District Maps

* * *

Map 6 ~~Street Tree Planting~~ (DELETE MAP)



Map 7 ~~Height Limitation Areas~~

* * *

Map & 7 Subway Station Improvement Areas

* * *

Article X - Special Purpose Districts

Chapter 7

Special South Richmond Development District

* * *

107-322

Tree requirements

* * *

(b) ~~Sidewalk trees~~

~~All #developments# and #site alterations# in the Special District shall preserve existing trees or provide and maintain trees of three inch caliper or more at the time of planting along the entire length of the #street# frontage of the #zoning lot#. The trees shall be located between the #front lot line# and the curb line, and 25 feet on center or one tree per 25 feet of frontage. These trees shall be planted in accordance with the requirements of the Department of Parks and Recreation, except where the Department of Parks and Recreation determines that such tree planting would be infeasible.~~

(e b) Planting for open parking areas

In underlying #Residence#, #Commercial# or #Manufacturing Districts#, all open off-street parking areas with ten spaces or more shall be subject to the tree planting and screening requirements of Section 107-483.

* * *

Article X - Special Purpose Districts

Chapter 9

Special Little Italy District

* * *

109-10

PRESERVATION AREA (Area A)

* * *

109-17

Mandatory Street Trees

~~Except where the Commissioner of Transportation determines that such tree planting is infeasible, In addition to the applicable underlying #street# tree planting requirements, all new #developments#, #enlargements#, changes of #use# within the same or to other Use Groups involving at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the building value of an existing #building# pursuant to the applicable articles of the Building Code of the City of New York, within Area A, shall provide and maintain trees in accordance with Section 26-41(Street Tree Planting). planted in the #street# sidewalk area adjacent to the #zoning lot# for the entire length of the #street# frontage of the #zoning lot#. Such trees shall be not less than three and one half inch caliper, one tree shall be planted for every 25 feet of #street# frontage at approximately equal intervals. They shall be planted flush to grade and in other respects planted in conformance with the specifications established by the Manhattan Street Tree Planting Division of the Department of Parks and Recreation and the Department of Transportation.~~

~~Such #street# tree requirements shall not apply to any #development# on a #zoning lot# within the Mulberry Street Regional Spine (Area A-1).~~

* * *

109-30

HOUSTON STREET CORRIDOR (Area B)

* * *

109-36

Mandatory Street Trees

~~In addition to the applicable underlying #street# tree planting requirements, A all new #developments#, #enlargements#, changes of #use# within the same or to other Use Groups of at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the building value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area B, shall provide and maintain #street# trees as set forth in Section 109-17 26-41 (Street Tree Planting), except that for a #zoning lot# frontage on Houston Street such mandatory trees may alternatively be located on the median traffic island of Houston Street.~~

* * *

Article XI - Special Purpose Districts

Chapter 2

Special City Island District

* * *

~~112-11~~

Mandatory Tree Planting Provisions

All ~~#developments#~~ on City Island shall provide and maintain trees of not less than four inch caliper at the time of planting on sidewalks for the entire length of the ~~#street#~~ frontage of the ~~#zoning lot#~~. These trees shall be planted at maximum intervals of 25 feet and at a distance from the curb consistent with existing tree plantings. The trees shall be provided with metal guards in accordance with Department of Transportation guidelines.

~~112-12~~ 112-11

Special Parking Regulations

* * *

~~112-121~~ 112-111

Accessory parking for commercial uses

* * *

~~112-122~~ 112-112

Accessory parking and floor area requirements for eating or drinking establishments

* * *

~~112-123~~ 112-113

Reservoir space requirements for eating and drinking establishments

* * *

~~112-124~~ 112-114

Screening and tree planting requirements for all parking lots with 10 or more spaces

* * *

~~112-125~~ 112-115

Location of parking spaces along City Island Avenue

* * *

Article XI - Special Purpose Districts

Chapter 3

Special Ocean Parkway District

* * *

113-31

Tree Planting Requirements

~~For~~ In addition to the applicable underlying #street# tree planting requirements, all #developments#, #enlargements# or changes of #use# on #zoning lots# having frontage on Ocean Parkway, shall provide #street# trees in accordance with the provisions of Section 26-41(Street Tree Planting). trees of at least 4 inch caliper shall be planted in the sidewalk along Ocean Parkway at the rate of one tree for each 25 feet of frontage or portion thereof.

* * *

Article XI - Special Purpose Districts

Chapter 4

Special Bay Ridge District

* * *

114-20

~~SPECIAL TREE PLANTING REGULATIONS~~

~~In any zoning district permitting #residences# in the #Special Bay Ridge District#, all #developments# and #enlargements# shall provide and maintain, along the entire #street# length of the #zoning lot#, one #street# tree for every 25 feet of #street# frontage of the #zoning lot#. Such trees shall be of at least three inch caliper at the time of planting and shall be placed at approximately equal intervals, except where the Department of Parks and Recreation determines that such tree planting would not be feasible. All such trees shall be planted, maintained and replaced when necessary with the approval of and in accordance with the standards of the Department of Parks and Recreation.~~

Article XI – Special Purpose Districts

Chapter 5

Special Downtown Jamaica District

* * *

115-32

~~Street Tree Planting~~

~~All new #developments# or #enlargements# that increase the existing #floor area# by at least 20 percent shall provide and maintain trees of not less than three inch caliper at the time of planting in the sidewalk adjacent to the #zoning lot#. Such trees shall be provided for the entire length of the #street# frontage of the #zoning lot# at maximum intervals of 25 feet except where the Commissioner of Parks and Recreation determines that such tree planting would be infeasible.~~

~~Trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, installed and maintained in accordance with the specifications established by the Department of Parks and Recreation.~~

~~115-33~~ 115-32

Refuse Storage, Recreation Space and Planting Areas

* * *

Article XI – Special Purpose Districts

Chapter 6

Special Stapleton Waterfront District

* * *

~~116-42~~

Visual Corridors

~~#Visual corridors# shall be provided for #developments# in the locations shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be subject to the requirements of Section ~~116-522~~ 116-512(Design requirements for visual corridors).~~

* * *

~~116-51~~

Street Trees

~~#Street# trees, pre-existing or newly planted, shall be provided along the entire length of the #street# frontage of the #zoning lot#. The trees shall be located between the #front lot line# and the curb line and shall be provided at the rate of one tree for each 25 feet of frontage. Trees shall be planted in accordance with the requirements of the Department of Parks and Recreation.~~

~~116-52~~ 116-51

Design Requirements for Upland Connections and Visual Corridors

* * *

~~116-521~~ 116-511

Design requirements for upland connections

* * *

~~116-522~~ 116-512

Design requirements for visual corridors

The requirements of this Section shall apply to all #visual corridors#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section ~~116-521~~ 116-511 (Design requirements for upland connections) shall also apply.

Article XI - Special Purpose Districts

Chapter 7

Special Long Island City Mixed Use District

* * *

117-502

Queens Plaza Subdistrict Plan

The Queens Plaza Subdistrict Plan partly consists of the following three maps located within Appendix C of this Chapter:

* * *

Map 3 (Sidewalk Widening, Street Wall Location and Ground Floor Use) of the Queens Plaza Subdistrict Plan specifies the locations where special #street wall#, mandatory sidewalk widening and ground floor #use# regulations, as set forth in Sections 117-531 and ~~117-554~~ 117-553, apply.

* * *

117-531

Street wall location

* * *

- (e) In the locations specified on Map 3 (Sidewalk Widening, Street Wall Location and Ground Floor Use) of Appendix C of this Chapter, a #development# or #enlargement# shall comply with the provisions of paragraphs (a) through (d) of this Section as applicable, except that #street walls# shall be located as specified on Map 3. The #street wall# of a #development# or #enlargement# may be set back only in the areas indicated on Map 3 as "Permitted #Street Wall# Setback Locations," provided that the additional sidewalk widening resulting from such setback is accessible to the public, developed in accordance with the provisions of Section ~~117-555~~ 117-554, and located adjacent to a public sidewalk or mandatory sidewalk widening.

117-551

General provisions

Within the Queens Plaza Subdistrict, the provisions of Sections ~~117-552 (Street trees)~~ and ~~117-553~~ 117-552 (Central refuse storage area) shall apply to any #development# or #enlargement# except where more than 50 percent of the #floor area# of such #development#, #enlargement#, alteration or change of #use# is occupied by a #use# listed in Use Groups 16 or 17.

The provisions of Sections ~~117-554~~ 117-553 (Mandatory sidewalk widening and ground floor uses) and ~~117-555~~ 117-554 (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

117-552

Street trees

~~#Street# trees shall be planted in the #street# adjacent to the #zoning lot#, except that #street# trees shall not be planted along Northern Boulevard and Queens Boulevard. At least one tree of 2.5 inch caliper or more shall be planted for each 25 feet of the entire #street# frontage of the #zoning lot#, excluding the frontage occupied by driveways or as required by the Department of Transportation. Trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, installed and maintained in accordance with the specifications established by the Department of Parks and Recreation and the Department of Transportation.~~

~~If the Commissioner of Buildings determines that the tree planting requirements of this Section cannot be met in part or in whole because of subsoil conditions or the presence of an elevated structure, the number of required #street# trees that cannot be planted as required in this Section shall be planted in the #street# on the same #block# as the #zoning lot# to which it has frontage or at an alternative site approved by the Department of Parks and Recreation and the Department of Transportation.~~

~~117-553~~ 117-552

Central refuse storage area

* * *

~~117-554~~ 117-553

Mandatory sidewalk widening and ground floor uses

The sidewalk widening and ground floor #use# provisions of this Section shall apply to all #developments# or #enlargements# with a #floor area ratio# of 3.0 or more:

- (a) Sidewalk widening accessible to the public must be provided in the locations specified on Map 3 (Sidewalk Widening, Street Wall Location and Ground Floor Use) of Appendix C of this Chapter. Such mandatory sidewalk widening is subject to the design requirements of Section ~~117-555~~ 117-554.

* * *

~~117-555~~ 117-554

Mandatory sidewalk widening design requirements

* * *

Article XI - Special Purpose Districts

Chapter 9

Special Hillside Preservation District

* * *

119-112

Tier I tree planting requirements

* * *

- (a) On-site trees

On-site trees, 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.

- ~~(b) #Street# trees~~

~~#Street# trees, pre-existing or newly-planted, shall be provided along the entire length of the #street# frontage of the #zoning lot#. The trees shall be located between the #front lot line# and the curb line and shall be provided at the rate of one tree for each 25 feet of frontage. Trees shall be planted in accordance with the requirements of the Department of Transportation and Department of Parks and Recreation.~~

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for 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. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees) ~~and #street# trees shall be of a species selected from Appendix C (Selection List for Street Trees).~~

* * *

119-214

Tier II requirements for driveways and private roads

* * *

(b) #Private roads#

* * *

~~(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 119-216 (Tier II tree planting requirements);~~

(9 8) 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; and

~~(10 9)~~ for the purposes of applying the #yard# regulations of Section 26-31, the curb of the #private road# shall be considered to be the #street line#.

119-216

Tier II tree planting requirements

* * *

~~(a)~~ On-site trees

On-site trees, pre-existing or newly-planted, shall be provided on the #zoning lot# at the rate of one tree for each one thousand 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.

~~(b) — #Street# trees~~

~~#Street# trees, pre-existing or newly planted, shall be provided along the entire length of the #street# frontage of the #zoning lot#. The trees shall be located between the #front lot line# and the curb line and shall be provided at the rate of one tree for each 25 feet of frontage. Trees shall be planted in accordance with the requirements of the Department of Transportation and the Department of Parks and Recreation.~~

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six- inches of #caliper# and, for each additional four inches of caliper, credit for 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. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees) and ~~#street# trees shall be of a species selected from Appendix C (Selection List for Street Trees).~~

* * *

APPENDIX C

~~Selection List for Street Trees~~

Street Trees

BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red maple
<i>Amelanchier canadensis</i>	Shadbush, Serviceberry
<i>Carpinus caroliniana</i>	American hornbeam, Musclewood
<i>Celtis occidentalis</i>	Hackberry
<i>Crataegus crus-galli inermis</i>	Thornless cockspur hawthorn
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Fraxinus americana</i>	White ash
<i>Ginkgo biloba</i> (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

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Article XII - Special Purpose Districts

Chapter 2

Special Grand Concourse Preservation District

* * *

122-50

SPECIAL PROVISIONS FOR ~~TREE PLANTING~~ PLANTING STRIPS

For #developments# or #enlargements#, ~~#street# trees shall be provided and maintained along the entire length of the #street# frontage of the #zoning lot#. Such trees shall be a minimum of 3 inches in caliper at the time of planting and be planted at maximum intervals of 25 feet and at a distance from the curb consistent with existing tree planting.~~

~~Such trees shall be provided with metal guards in accordance with the Department of Parks and Recreation guidelines. In addition,~~ there shall be a strip of continuous planting at grade of not less than 3 feet in width along the entire front wall of a new #building#. In the event a #building# is constructed within 3 feet of the #street line#, the owner of the #building# shall apply to the Bureau of Highway Operations for permission to locate a portion of such planting strips on a public sidewalk within the #street line#. A copy of such application shall be submitted with the

new building application when filed at the Department of Buildings. Such sidewalk planting requirement may be waived by the Department of Buildings only upon receipt of written disapproval by the Department of Transportation.

* * *

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use Districts

* * *

123-81

Modification of Planting Strips

In #Special Mixed Use Districts#, the provisions of Section 26-42 (Planting Strips) shall not apply.

* * *

The above resolution (N 080081 ZRY), duly adopted by the City Planning Commission on March 24 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice Chairman

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA DEL TORO, RICHARD W. EADDY,
NATHAN LEVANTHAL, JOHN MEROLO, Commissioners**

SHIRLEY A. McRAE, Commissioner, Abstaining