



CITY PLANNING COMMISSION

October 31, 2007 | Calendar No. 9

N 070509 ZRY

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 the design of commercial and community facility parking lots.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on June 12, 2007, to establish maneuverability and planting regulations for open parking lots accessory to commercial and community facility uses.

BACKGROUND

Current zoning regulations relating to parking lots contain no provisions for vehicle maneuverability standards or landscaping requirements regardless of their size. There are only minimal screening requirements for these lots if they contain ten or more spaces and are located adjacent to residence districts. Additionally, only three special districts have landscaping requirements for parking lots (South Richmond Development District, City Island District, and Stapleton Waterfront District). The lack of maneuverability and landscape requirements can result in parking lots that are unsightly and have negative affects on neighborhood character and property values. The lack of maneuverability and landscape requirements can also negatively affect the ambient quality and safety of parking lots for their users, and contribute to an increase in the urban heat island effect and storm water runoff. The proposal will help achieve these important sustainability goals that are part of the Mayor's PlaNYC 2030 proposal.

PROPOSED ZONING TEXT AMENDMENT

The Department of City Planning proposes a city-wide text amendment to introduce new regulations with respect to design standards for parking lots accessory to community facility and commercial uses in all zoning districts as well as public parking lots. These new regulations would apply to new lots and existing lots that are being enlarged.

The proposed design regulations are comprised of four main components: street tree planting, perimeter screening, interior landscaping, and maneuverability standards for vehicles.

For developments with open parking areas of at least 18 spaces or 6,000 square feet in area, a seven foot wide strip landscaped with ground cover, shrubs and small ornamental trees would be required along the perimeter of the lot to screen the parking area from the street. Street trees would also be required at the rate of one tree for every 25 feet of zoning lot street frontage.

For developments with an open parking area of at least 36 spaces or 12,000 square feet in area, one canopy/shade tree for every eight parking spaces would be required, placed within planting islands of at least 150 square feet and distributed evenly throughout the interior of the lot. Planting islands would also require ground cover and shrubs. There would be a maximum of 15 parking spaces between planting islands. Large parking lots, 150,000 square feet in area or greater, would require planting islands between every other row of parking stalls.

The perimeter and interior landscaped areas would be required to be designed to absorb storm water runoff through the use of bioswales. The paved areas of the parking lot around the landscaped areas would be graded so that storm water flows into the bioswales. This ensures that plantings in landscaped areas receive sufficient water for survival and remain lush and attractive. It also maximizes storm water retention on site, rather than having it drain into the city sewer. Only in severe storms would the bioswales not be able to absorb all the runoff, in which case the overflow would be diverted to the city sewer.

All open parking lots would have to comply with minimum standards for parking stalls, aisle widths and curb cuts, to better ensure the safety and maneuverability of pedestrians and vehicles. These standards were taken from the American Planning Association's Planning and Urban Design Standards, except that a two way travel lane for access to 90 degree parking would have to be a minimum of 22 feet in width. This is two feet narrower than what is commonly provided by national retailers but is still adequate for the safe maneuvering of vehicles. Plans would now be required to be submitted to the Department of Buildings showing the location of all parking spaces and compliance with the proposed maneuverability standards.

The proposed landscaping and maneuverability regulations would not apply to structured parking facilities, roof parking, or auto-related uses listed in Use Groups 9 or 16, such as gas stations and car washes. Public parking lots would only be required to provide perimeter screening and comply with curb cut regulations.

For commercial and community facility developments that contain residences, the regulations would apply only where at least 70% of the floor area on the zoning lot is used for commercial and/or community facility uses.

If an existing commercial or community facility use with an open parking area is enlarged, the proposed landscaping and maneuverability regulations would apply only if the existing use enlarges its floor area by at least 20%, or the existing amount of parking spaces is increased by at least 20%, in which case the entire open parking lot would have to be upgraded.

Trash storage areas and bicycle parking will also be required. Trash storage must be located 50 feet from a street line and screened on all sides. Bicycle parking, at a rate of one space for every ten vehicle spaces, must be provided on site and within 50 feet of the building entrance.

The three special zoning districts which currently have parking lot landscaping requirements would be amended to comply with this new citywide proposal.

ENVIRONMENTAL REVIEW

This application (N 070509 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 07DCP086Y. 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 June 18, 2007.

PUBLIC REVIEW

This application (N 070509 ZRY) was duly referred on June 18, 2007, to all community boards, borough presidents and borough boards in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Manhattan Community Board 1: On July 31, 2007, Community Board 1 recommended to approve the application by a vote of 37 in favor, 0 opposing, and 0 abstaining.

Manhattan Community Board 2: On July 19, 2007, Community Board 2 recommended to approve the application unanimously with 35 board members in favor.

Manhattan Community Board 3: In a letter dated July 25, 2007 Community Board 3 supported the text amendment.

Queens Community Board 11: In a letter dated July 16, 2007, Community Board 11 supported the text amendment although the Board noted that it did not want auto dealers to be excluded from providing perimeter landscaping requirements.

Staten Island Community Board 1: In a letter dated August 20, 2007, Community Board 1 supported the text amendment.

Staten Island Community Board 3: On August 15, 2007, the Land Use Committee of Community Board 3 approved the application.

No recommendations were received from any Bronx or Brooklyn Community Boards, Manhattan Community Boards 4 -12, Queens Community Boards 1 - 10, 12 - 14; and Staten Island Community Board 2.

Borough President Review

Bronx

This application was considered by the Bronx Borough President, who issued a recommendation approving the application on September 7, 2007. The Bronx Borough President also requested that the Department create comparable regulations for residential parking lots.

Brooklyn

This application was considered by the Brooklyn Borough President, who issued a recommendation approving the application on September 12, 2007.

Staten Island

This application was considered by the Staten Island Borough President, who issued a recommendation approving the application on August 29, 2007.

No recommendations were received from the Manhattan or Queens Borough Presidents.

Borough Board Review

Staten Island

This application was considered by the Staten Island Borough Board, who issued a recommendation approving the application on September 5, 2007.

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

City Planning Commission Public Hearing

On September 5, 2007 (Calendar No. 6), the City Planning Commission scheduled September 19, 2007, for a public hearing on this application (N 070509 ZRY). The hearing was duly held on September 19, 2007 (Calendar No. 27). There were no 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 07-076. 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 070509 ZRY), as modified, is appropriate.

The Commission believes that the proposed text would result in substantial improvements in the design and operation of open parking lots associated with commercial and community facility developments.

The Commission recognizes that the proposed text would not change the amount of required parking spaces for community facility or commercial developments and believes the proposed requirements would greatly improve the local streetscape by replacing vast expanses of pavement

within open parking lots with landscaping which would also reduce the urban heat island effect and increase on-site permeability. The Commission recognizes the environmental importance of the bioswale aspect of the proposal and believes it places New York City in the forefront of sustainable green parking lot landscaping regulations.

The Commission believes that requiring minimum maneuverability standards for all open parking lots is appropriate. These minimum standards will improve vehicular and pedestrian circulations, therefore creating safe parking lots for both pedestrians and drivers. The Commission recognizes that land for parking is scarce and believes the 22 foot minimum vehicle aisle width for 90 degree parking is appropriate for New York City.

The Commission has carefully considered the recommendations and comments of the community boards and Borough Presidents. In response to the comments of Queens Community Board 11 concerning the applicability of the perimeter landscaping requirements to auto dealerships, the Commission notes that such a requirement is beyond the scope of this application. Furthermore, the Commission believes that applying such rules to auto-related uses requires careful consideration of how they might affect business operations. The Bronx Borough President suggested that similar landscaping requirements be studied for residential parking lots. The Commission notes that the Department is currently studying ways to implement landscaping and maneuverability requirements for residential parking lots.

As a result of other comments received during the public review of the application and further review of the proposed text, the Commission is making modifications to the text that was referred on June 18, 2007.

- Sections 25-623, 25-67, 36-58, 37-91 and 44-47 have been modified so that the proposed maneuverability and landscaping regulations would apply to enlargements that result in a 20% increase over the amount of parking spaces or floor area existing on the effective date of this text amendment. This would preclude numerous enlargements less than 20% to avoid complying with the new regulations.
- Recognizing that some existing parking lots that become subject to the maneuverability and landscaping regulations may have difficulty meeting the regulations, the Commission has modified the proposed text by creating an authorization (Section 37-972) to allow modification to any or all of the maneuverability or landscaping standards in such cases.
- The Commission recognizes that enlargements in C4-1 Districts that are utilizing the parking reduction authorization of Section 36-023 may have difficulty bringing their entire parking lot into full compliance with the maneuverability and landscaping regulations. The Commission has modified the proposed text (Section 36-023) to allow by authorization, modification or waiver of the requirements.

- The Commission clarifies Section 37-921 where developments provide a perimeter landscape area greater than seven feet in width. The first seven feet closest to the parking lot must be landscaped according to the new regulations and designed as a bioswale. The remaining perimeter area may be designed as a bioswale but must always be landscaped.
- The minimum size of ornamental trees required in the perimeter landscape area (Section 37-921) has been modified from three-inch caliper to two inches at the suggestion of the departments of Environmental Protection and Parks and Recreation. In addition, the depth of the soil/gravel proportions of the bioswale planting islands in Sections 37-921 and 37-922 has been modified to two and a half feet of soil and one foot of gravel beneath.
- The Commission modified the plant lists by expanding the selection of plants for bioswale planting islands. The Commission believes this is appropriate and will provide landscape architects a greater variety of plants to choose from.
- The Commission recognizes that by Certification by the Commissioner of Buildings or Authorization by the City Planning Commission not all planting islands are required to be bioswales. The plant lists in the text are of plants that are appropriate for moist bioswale planting islands, therefore, the Commission modified the text to allow plantings in non-bioswale planting islands to be chosen by a registered landscape architect.

- In order to facilitate pedestrian movement through the parking lots, the Commission modified Section 37-922(a) to allow pedestrian walkways to traverse required planting islands. The Commission also recognizes that planting islands may obstruct required pedestrian access lanes for parking spaces required by the Americans with Disabilities Act. The Commission has modified the proposed text (Section 37-922(a)) to accommodate these pedestrian access lanes which are required by Federal law.
- Finally, the Commission notes that the proposed regulations may be inconsistent with the goals and regulations of the Special Natural Area, Special South Richmond and Special Hillside Preservation districts and has modified the text (Sections 105-432, 107-68, and 119-312) to allow, by authorization, modifications to the proposed maneuverability and landscaping requirements if these modifications help preserve natural features in these special districts.

The Commission therefore believes that the proposed text amendment, as modified, would facilitate the creation of commercial and community facility open parking lots that would provide aesthetic, environmental and safety benefits for all New Yorkers and would enhance the character of the city's open commercial and community facility parking lots. In addition, the Commission believes that the proposed text would result in the advancement of the Mayor's PlaNYC initiatives and goals.

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 5: Accessory Off-Street Parking and Loading Regulations

* * *

25-60

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

* * *

25-62

Size and Location of Spaces

* * *

25-622

Location of parking spaces in lower density growth management areas

The provisions of this Section shall apply to all #residential developments# in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#.

* * *

25-623

Location of parking spaces for community facility uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section 25-623 shall apply to all #developments# and #enlargements# that provide an open parking area #accessory# to #community facility uses#. All such #developments# and #enlargements# shall submit a site plan to the Department of Buildings showing the location of all parking spaces, curb cuts, and compliance with the maneuverability standards set forth in paragraphs (b) and (c) of Section 36-58. For the purposes of this Section, #developments# and #enlargements# shall be defined as follows:

- (a) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility use#, and
- (b) #enlargements# shall include only those that result in:
 - (1) a total number of parking spaces #accessory# to #community facility uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on (date of enactment); or

- (2) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on (date of enactment), and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #community facility uses#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

For the purpose of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

* * *

25-63

Location of Access to the Street

* * *

25-632

Driveway and curb cut regulations in lower density growth management areas

The provisions of this Section shall apply to all #residential developments# within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family detached residence# with at least 60 feet of frontage along one #street# and, for such residences on #corner lots#, with at least 60 feet of frontage along two #streets#.

* * *

25-634

Curb cut regulations for community facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, any #development# or #enlargement# containing a #community facility use# with an unenclosed parking area shall comply with the provisions of this Section:

Curb cuts serving one travel lane shall have a maximum width of twelve feet excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street frontage#, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed prior to (date of amendment) on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

* * *

25-65

Surfacing

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, all open off-street parking spaces shall be surfaced with asphaltic or portland cement concrete, or other hard surfaced dustless material , at least four inches thick, except that where required parking spaces are located in #side lot ribbons#, hard surfaced ribbons may be permitted. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

25-66

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, except where such districts are located in #lower density growth management areas#, all open off-street parking areas or groups of individual

garages with 10 spaces or more, that are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

- (1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a)(1) of this Section.

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

- (b) In #lower density growth management areas#, all open parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The provisions of paragraphs (a) and (b) above shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

25-67

Parking Lot Landscaping

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of Section 37-90, inclusive, shall apply to all #developments# and #enlargements#, as defined in this Section, that provide an open parking

area #accessory# to #community facility uses# that contain 18 or more spaces or are greater than 6,000 square feet in area.

For the purposes of this Section, #developments# and enlargements# shall be defined as follows:

- (a) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility use#, and
- (b) #enlargements# shall include only those that result in:
 - (1) a total number of parking spaces #accessory# to #commercial# or #community facility use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on (date of enactment); or
 - (2) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on (date of enactment), and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

For the purpose of this Section an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived pursuant to Sections 25-33 on #zoning lots# subdivided after (the applicable date of the amendment), and parking spaces #accessory# to #community facility uses# or curb cuts accessing #community facility uses# are shown on the site plan required pursuant to Section 25-623, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

* * *

Article III

Chapter 6: Accessory Off-Street Parking and Loading Regulations

* * *

36-023

Applicability of regulations in C4-1 Districts

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of 4 acres, all #group parking facilities# that are #accessory# to new commercial #developments# or #enlargements# shall be subject to authorization by the City Planning Commission to assure that the layout of such parking spaces is arranged and located in relation to the #use# or #uses# to which such spaces are #accessory#, so as to provide adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

The Commission may also authorize a reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #use# proposed.

Furthermore, notwithstanding the applicability requirements of paragraph (a) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) and Section 37-91 (Applicability), the Commission shall find that #developments# or #enlargements# of any size comply with the maneuverability and landscaping provisions of Sections 36-58 and 37-90 (PARKING LOTS), inclusive. For #enlargements#, the Commission may authorize modifications or waivers of such provisions, provided the Commission finds that:

- (a) the maneuverability and curb cut regulations have been complied with to the maximum extent practicable;
- (b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable,
- (c) the amount of interior planting islands and their distribution throughout the parking lot have been provided to the maximum extent practicable, and
- (d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscaped architects in considering such modifications.

* * *

36-55

Surfacing

C1 C2 C3 C4 C5 C6 C7 C8

In all districts as indicated, all open #accessory# off-street parking spaces or permitted public parking lots shall be graded, constructed, surfaced and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory group parking facility# shall be surfaced with asphaltic or portland cement concrete, or other hard surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

36-56

Screening

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including such #zoning lots# situated across a #street#, by either:
 - (1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
 - (2) a wall or barrier or uniformly painted fence of fire resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open;

This paragraph (a) shall not apply at the #street line# of #zoning lots# where the

requirements of Section 37-921 (Perimeter landscaping) apply.

- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

* * *

36-58

Parking Lot Maneuverability and Curb Cut Regulations

C1 C2 C3 C4 C5 C6 C7 C8

(a) Applicability

In all districts, as indicated, the provisions of this Section 36-58 shall apply to all #developments# and #enlargements# as defined in this Section that provide an open parking area #accessory# to #commercial# or #community facility uses#. All such #developments# and #enlargements# shall submit a site plan to the Department of Buildings showing the location of all parking spaces, curb cuts, and compliance with the maneuverability standards set forth in this Section. For the purposes of this Section, #developments# and enlargements# shall be defined as follows:

- (1) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#, and
- (2) #enlargements# shall include only those that result in:
 - (i) a total number of parking spaces #accessory# to #commercial# or #community facility use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on (date of enactment);
or
 - (ii) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on (date of enactment), and where at least 70 percent of the #floor area# on the

#zoning lot# is occupied by #commercial# or #community facility uses#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

In addition, all #public parking lots# shall comply with the curb cut requirements of paragraph (c).

For the purpose of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

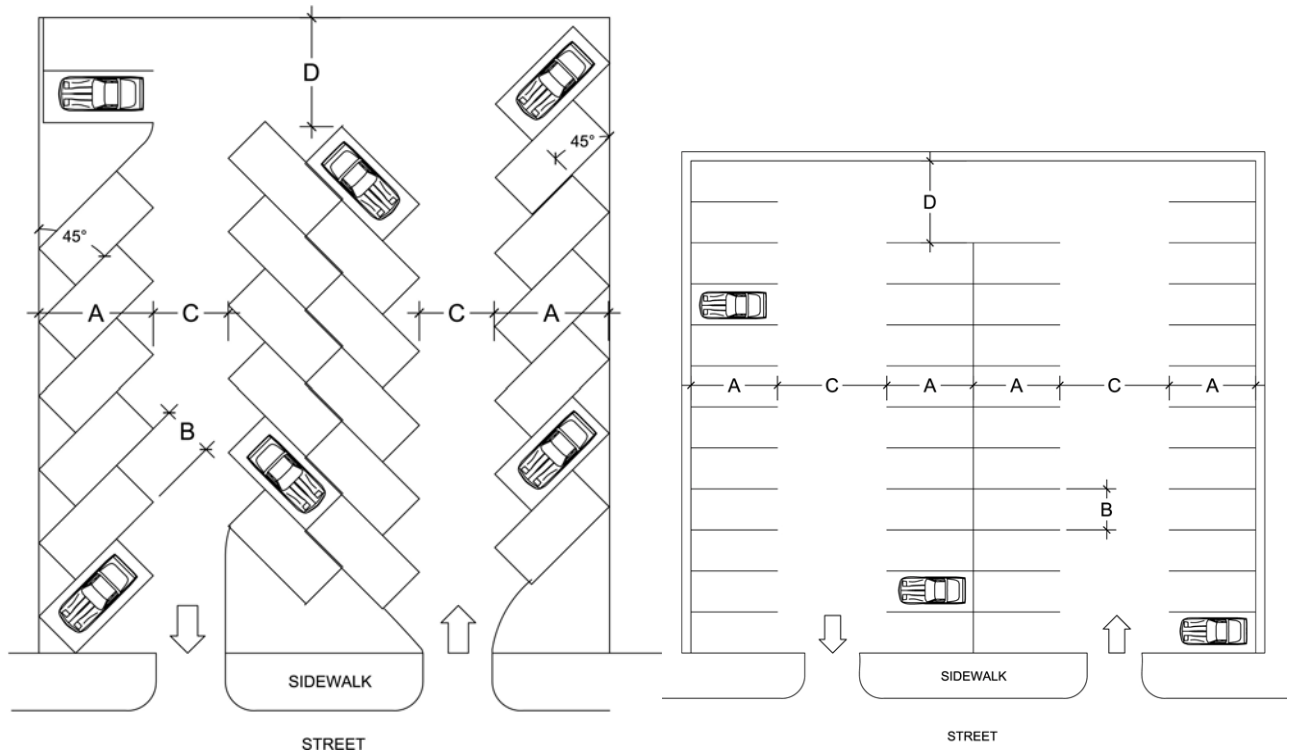
(b) Parking Lot Maneuverability

All open parking areas shall comply with the maneuverability standards set forth in the following table.

	A	B	C	D
Angle of Park	Min.Length	Min. Width	Min. Aisle	Min. Turnaround
0*	8'-6"	20'-0"	13'-2"	N/A
0**	8'-6"	20'-0"	23'-3"	N/A
45	17'-1"	8'-6"	12'-10"	18'-0"
50	17'-8"	8'-6"	13'-2"	17'-6"
55	18'-1"	8'-6"	13'-7"	17'-3"
60	18'-5"	8'-6"	14'-6"	17'-0"
65	18'-7"	8'-6"	15'-4"	17'-3"
70	18'-8"	8'-6"	16'-5"	17'-6"
75	18'-7"	8'-6"	17'-10"	18'-0"
90	18'-0"	8'-6"	22'-0"	22'-0"

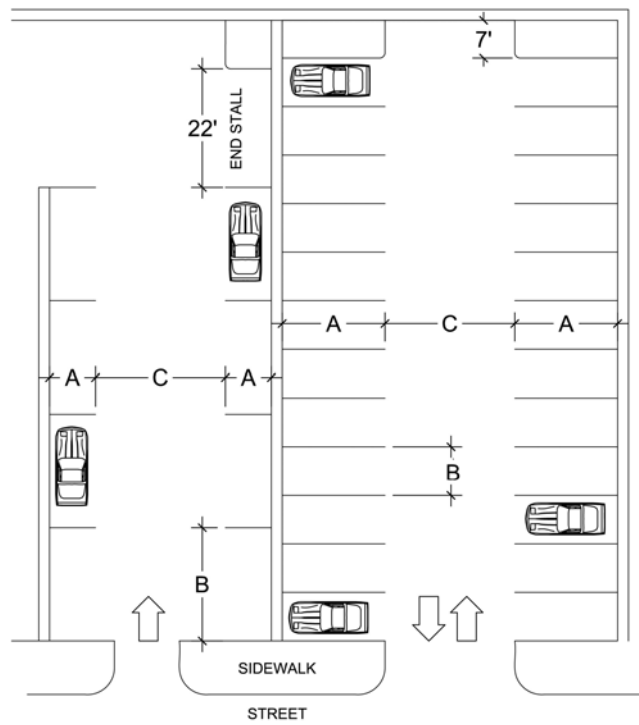
* Figures given are for one-way traffic

** Figures given are for two-way traffic



Illustrative Diagram:
45 Degrees Parking Layout

Illustrative Diagram:
90 Degree Parking Layout



Illustrative Diagram:
Parallel Parking/Dead-End Layout

(c) Curb Cuts

Curb cuts serving one travel lane shall have a maximum width of twelve feet excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street frontage#, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed prior to (date of amendment) on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

* * *

Article III
Chapter 7: Special Regulations

* * *

37-90
PARKING LOTS

37-91
Applicability

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of this Section 37-90, inclusive, shall apply to all #developments# and #enlargements#, as defined in this Section, that provide an open parking area #accessory# to #commercial# or #community facility uses# that contain 18 or more spaces or are greater than 6,000 square feet in area.

For the purposes of this Section, #developments# and #enlargements# shall be defined as follows:

- (a) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#, and
- (b) #enlargements# shall include only those that result in:
 - (1) a total number of parking spaces #accessory# to #commercial# or #community facility use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on (date of enactment); or
 - (2) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on (date of enactment), and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#.

All #public parking lots# shall comply with the provisions of Section 37-921 (Perimeter landscaping).

The provisions of Section 37-90, inclusive, shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

For the purpose of Section 37-90, inclusive, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all landscaped areas required pursuant to this Section within and adjacent to the open parking area.

Notwithstanding the provisions of this Section 37-91 (Applicability), where parking requirements are waived pursuant to Sections 25-33, 36-23 or 44-23, as applicable, on #zoning lots# subdivided after (the applicable date of the amendment), and parking spaces #accessory# to #commercial# or #community facility uses# or curb cuts accessing #commercial# or #community facility uses# are shown on the site plan required pursuant to Sections 36-58, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

A detailed plan or plans prepared by a registered landscape architect demonstrating compliance with the provisions of Section 37-90, inclusive, shall be submitted to the Department of Buildings. Such plans shall include grading plans, drainage plans and planting plans, and sections and elevations as necessary to demonstrate compliance with the provisions of this Section.

Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to (the applicable date of the amendment), may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

37-92

Landscaping

37-921

Perimeter landscaping

All open parking areas with 18 spaces or more or 6,000 square feet or more in area that front upon a #street# shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Walkways may also traverse the perimeter landscaped area in order to provide a direct connection between the public sidewalk and a walkway within or adjacent to the open parking area. In the event a perimeter landscaped area is greater than seven feet in width, the first seven feet adjacent to the open parking area must comply with paragraphs (a) and (b) of this Section. The remainder of the landscaped perimeter area may comply with paragraphs (a) and (b) or be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material.

The perimeter landscaped area shall comply with the following requirements:

(a) Grading, Drainage and Soil

The open parking area shall be graded to allow stormwater runoff to drain into all required perimeter landscaped areas and planting islands required pursuant to Section 37-922. The perimeter landscaped area shall be comprised of soil with a depth of at least

two and a half feet measured from the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. The perimeter landscaped area shall have an inverted slope to allow a minimum of six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. A raised curb shall edge the perimeter landscaped area, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the #development# site the drainage provisions of this paragraph (a) would be unfeasible for a perimeter landscaped area, such drainage provisions may be waived. In lieu thereof, such perimeter landscaped area shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (b) of this Section shall apply to such perimeter landscaped areas, except that plantings need not be selected from the lists in Section 37-983.

(b) Plantings

(1) Parking lot frontage

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an abutting parking space. All required groundcover shall be selected from the list in Section 37-983.

(2) Sidewalk frontage

The remainder of the perimeter landscaped area shall be densely planted with shrubs at a distance of 24 inches on center and maintained at a maximum height of three feet above the surface of the adjoining public sidewalk. All required

shrubs shall be selected from the list in Section 37-983.

(3) Trees

One two-inch caliper tree shall be provided for every 25 feet of open parking area #street# frontage. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such perimeter trees shall be staggered wherever possible with #street# trees, but in no event shall perimeter trees be planted closer than 15 feet on center or within three feet to a perimeter screening area curb. Furthermore, a radius distance of at least 20 feet shall be maintained between trunks of perimeter trees and #street# trees. If such distances cannot be maintained, the perimeter tree shall be waived in that location. However, if a #street# tree cannot be planted in the public sidewalk adjacent to the perimeter screening area because the Department of Parks and Recreation has determined that it is unfeasible to plant a tree in such location, such tree shall be planted instead within the perimeter screening area adjacent to such portion of the public sidewalk and credited towards the amount of perimeter trees required pursuant to this paragraph. However, any perimeter tree within 15 feet of an elevated rail line or elevated highway shall be waived. All required perimeter trees shall be selected from the list in Section 37-981.

(c) Obstructions

Utilities and #signs# permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs) may be located in the perimeter screening area. Ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open is permitted in the perimeter screening area, provided such fencing does not exceed four feet in height and is located at least five feet from the #street line#.

37-922

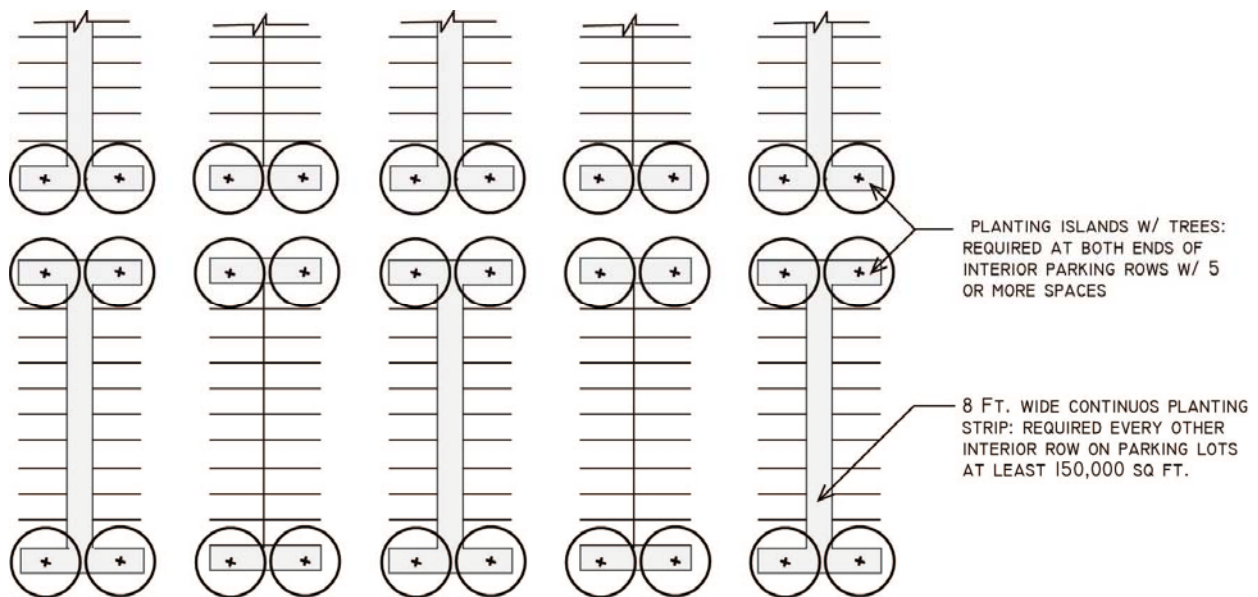
Interior landscaping

All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one tree for every eight parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be in addition to the trees required in the perimeter screening area. Each such tree shall have a minimum caliper of three inches and be located in a planting island with a minimum area of 150 square feet of pervious surface.

(a) Distribution

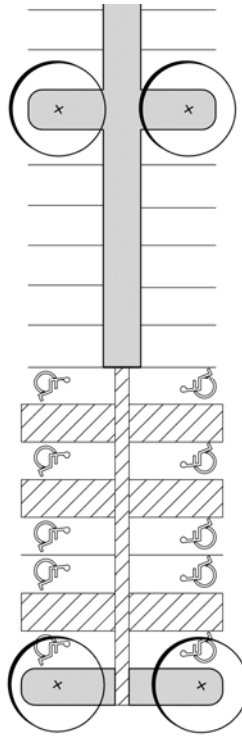
The following distribution rules shall apply:

- (1) Each end space in a row of five or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of such end space
- (2) No more than 15 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area; and
- (3) For open parking areas at least 150,000 square feet in area, in addition to the requirements set forth in subparagraphs (1) and (2), every other row of parking spaces in which each space does not fully abut a perimeter landscaped area shall abut a planting island. Such planting island shall have a minimum width of eight feet and extend along the entire length of such row of parking spaces. Such planting islands may be traversed by walkways no more than three feet wide and spaced at least 50 feet apart.



Illustrative Diagram 1

- (4) Planting islands required pursuant to subparagraph (1) and (3) may be discontinued where a pedestrian access lane is provided that serves no more than five parking spaces required by the Americans with Disabilities Act.



Illustrative Diagram 2

- (5) Compliance with subparagraphs (1) and (2) may be waived where the Commissioner of Buildings determines that tree planting in such locations would conflict with loading operations. Such trees shall be planted elsewhere in the open parking area.

(b) Grading, Drainage and Soil

The open parking area shall be graded to allow stormwater runoff to drain into all planting islands required pursuant to this Section 37-922 and perimeter landscaped areas required pursuant to Section 37-921. Planting islands shall have an inverted slope to allow a minimum six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. Planting islands shall be comprised of soil with a depth of at least two and a half feet measured from the surface of the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained

through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. A raised curb shall edge the planting island, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the #development# site the drainage provisions of this paragraph (b) would be unfeasible for an interior planting island, such drainage provisions may be waived. In lieu thereof, such planting island shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (c) of this Section shall apply to such planting islands, except that plantings need not be selected from the lists in Section 37-983.

(c) Plantings

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an abutting parking space. The remaining area of the planting island shall be densely planted with shrubs, maintained at a maximum height of three feet, at a distance of 24 inches on center. Planting islands which are bisected by pedestrian access lanes serving Americans with Disabilities Act parking spaces (as shown in Illustrative Diagram 2) shall provide groundcover in lieu of shrubs. Each required tree shall be centered in a planted area measuring at least eight feet by eight feet. Multiple trees are allowed in a single planting island provided they are spaced no closer than 25 feet on center and there is at least 150 square feet of pervious area for each tree. Any area with a dimension of less than two feet shall not contribute to such 150 square foot minimum area. Required trees shall be located first in planting islands at the ends of parking rows required pursuant to subparagraph (a)(1), and then in planting islands that break up parking rows with more than 15 spaces required pursuant to subparagraph (a)(2). Any remaining required trees may be located in the continuous planting island required pursuant to subparagraph (a)(3) or located in other planting islands within the open parking area. All required trees, shrubs and groundcovers shall be selected from the list in Sections 37-982 and 37-983.

37-93

Maintenance

All on site landscaping shall be maintained in good conditions at all times. Landscaped areas must be kept free of litter, and drainage components maintained in working order. In the event of the loss of any on site landscaping, the owner of the #zoning lot# shall replace such landscaping by the next appropriate planting season. All landscaped areas must contain a built in irrigation system or supply hose bibs within 100 feet of all planting islands.

37-94

Refuse Storage

All site plans must show an area designated for refuse storage. Any container used for refuse storage must be enclosed and screened either within a #building# or #accessory structure#. If refuse storage is located in a container or #accessory structure# it must be located at least 50 feet from any #street line# and screened on all sides by a six foot high masonry wall, with one side consisting of an opaque, lockable gate.

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.

37-96

Bicycle Parking

One bicycle parking space shall be provided for every ten vehicle parking spaces, up to 200 vehicle parking spaces. Thereafter, one bicycle parking spaces shall be provided for every 100 vehicle parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle space. Bicycle parking must be provided in inverted "U" shaped parking racks. Each rack must be located within a two foot by six foot area

on the #zoning lot#. Thirty inches of maneuverable space must be provided between parallel bicycle racks and a 96 inch wide aisle must be provided between bicycle rack areas. Each rack shall count towards two required spaces.

Bicycle racks must be provided within 50 feet of a #building's# main entrance and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from a #building's# main entrance. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement.

37-97

Modifications of Design Standards

37-971

Modification of Landscaping Requirements

The requirements of Section 37-90, inclusive, may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, a high water table, or a City, State or Federal mandated brownfield remediation that requires the site to be capped. Where a high water table exists, the planting requirements of Section 37-90, inclusive, shall be complied with except such planted areas need not be designed to absorb storm water runoff.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

37-972

Modification of Design Requirements by Authorization

For #enlargements#, the City Planning Commission may authorize modifications or waivers of the maneuverability and curb cut standards of Section 36-58, and the landscaping requirements of Section 37-90, inclusive, for portions of the #zoning lot# occupied by existing open parking areas, provided the Commission finds that:

- (a) the maneuverability and curb cut regulations have been complied with to the maximum extent practicable;

- (b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable,
- (c) the amount of interior planting islands and their distribution throughout the existing open parking area have been provided to the maximum extent practicable, and
- (d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscaped architects in considering such modifications.

37-98

Landscaping Selection Lists

37-981

Selection list for perimeter trees

BOTANICAL NAME	COMMON NAME
Acer campestre	Hedge Maple ***
Acer ginnala	Amur Maple ***
Acer negundo	Boxelder ***
Acer truncatum	Shantung Maple ***
Amelanchier arborea	Downy Serviceberry
Amelanchier canadensis	Shadblow Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Betula lenta	Sweet Birch ***
Betula nigra 'Heritage'	Heritage River Birch ***
Carpinus caroliniana	American hornbeam
Cedrus atlantica	Atlas Cedar
Cedrus deodara	Deodar Cedar
Crataegus laevigata	English Hawthorn
Crataegus viridis	Green Hawthorn
Cornus mas	Cornelian Cherry ***
Cornus racemosa	Gray Dogwood ***
Cercis canadensis	Redbud
Hamamelis vernalis	Vernal Witchhazel

<i>Hamamelis virginiana</i>	American Witchhazel
<i>Koelreuteria paniculata</i>	Goldenraintree
<i>Larix laricina</i>	Tamarack
<i>Magnolia stella</i>	Star Magnolia
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Maackia amurensis</i>	Amur Maackia
<i>Pinus virginiana</i>	Virginia Pine
<i>Prunus cerasifera</i>	Purpleleaf Plum
<i>Prunus</i> 'Okame'	Okame Cherry
<i>Prunus padus</i>	European Birdcherry
<i>Prunus sargentii</i>	Sargent Cherry
<i>Prunus serrulata</i> 'Kwanzan'	Japanese Flowering Cherry
<i>Prunus virginiana</i> 'Schubert'	Schubert Cherry
<i>Prunus x yedoensis</i>	Yoshino Cherry
<i>Rhus copallina</i>	Shinning Sumac
<i>Salix discolor</i>	True Pussy Willow
<i>Sambucus nigra</i>	Black Elderberry
<i>Syringa reticulata</i>	Japanese Tree Lilac

37-982

Selection list for interior trees

BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red Maple ***
<i>Acer saccharinum</i>	Silver Maple ***
<i>Acer x freemanii</i>	Freeman Maple ***
<i>Catalpa speciosa</i>	Northern Catalpa
<i>Celtis occidentalis</i>	Hackberry
<i>Celtis laevigata</i>	Sugar Hackberry
<i>Eucommia ulmoides</i>	Hardy Rubber Tree
<i>Fraxinus americana</i>	American Ash ***
<i>Fraxinus excelsior</i>	European Ash ***
<i>Fraxinus pennsylvanica</i>	Green Ash ***
<i>Gleditsia triacanthos inermis</i>	Honeylocust
<i>Ginkgo biloba</i>	Ginkgo
<i>Gymnocladus dioica</i>	Kentucky Coffeetree

<i>Juglans nigra</i>	Black Walnut
<i>Larix decidua</i>	European Larch
<i>Larix laricina</i>	American Larch
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i>	Tupelo
<i>Platanus occidentalis</i>	American Sycamore
<i>Platanus x acerifolia</i>	London Planetree
<i>Pyrus calleryana</i>	Callery Pear **
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Taxodium distichum</i>	Baldcypress
<i>Ulmus americana</i>	American Elm* / ***
<i>Ulmus carpinifolia</i>	Smooth-leaf Elm* / ***
<i>Ulmus parvifolia</i>	Lace Bark Elm* / ***
<i>Styphnolobium japonicum</i>	Scholar Tree
<i>Tilia americana</i>	Basswood / American Linden
<i>Zelkova serrata</i>	Japanese Zelkova

37-983

Selection list for ground covers and shrubs

Ground Covers

BOTANICAL NAME	COMMON NAME
<i>Asclepias tuberosum</i>	Butterfly Weed
<i>Calamagrostis stricta</i>	Slimstem Reedgrass
<i>Comptonia peregrina</i>	Sweetfern
<i>Cortaderia selloana</i> 'Pumilla'	Dwarf Pampas Grass
<i>Euonymus coloratus</i>	Euonymus
<i>Festuca glauca</i>	Blue Fescue Grass
<i>Juniperus horizontalis</i>	Creeping Juniper
<i>Hibiscus moscheutos</i>	Swamp Rose Mallow***

<i>Iris pallida</i>	Sweet Iris
<i>Iris sibirica</i>	Siberian Iris
<i>Iris versicolor</i>	Blue Flag Iris

Shrubs

BOTANICAL NAME	COMMON NAME
<i>Abeliax grandiflora</i>	Glossy Abelia
<i>Aesculus parviflora</i>	Bottlebrush Buckeye
<i>Andromeda polifolia</i>	Bog-rosemary
<i>Aronia arbutifolia</i>	Red Chokeberry
<i>Aronia melanocarpa</i>	Black Chokeberry
<i>Baccharis halimifolia</i>	Eastern baccharis
<i>Betula nana</i>	dwarf birch
<i>Betula pumila</i>	Bog Birch
<i>Calluna vulgaris</i>	Scotch Heather
<i>Castanea pumila</i>	chinkapin
<i>Cephalanthus occidentalis</i>	Buttonbush
<i>Chamaecyparis spp.</i>	Chamaecyparis
<i>Clethra alnifolia</i>	Summersweet
<i>Cornus sericea</i>	Redtwig Dogwood
<i>Cornus sericea 'Flaviramea'</i>	Yellowtwig Dogwood
<i>Cotoneaster dammeri</i>	Bearberry Cotoneaster
<i>Daphne cneorum</i>	Rose Daphne
<i>Daphne caucasica</i>	Caucasian Daphne
<i>Ericacarne</i>	Spring Heath
<i>Euonymus fortunei</i>	Wintercreeper Euonymus
<i>Eubotrys racemosa</i>	Swamp Doghobble
<i>Gaylussacia brachycera</i>	Box Huckleberry
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea
<i>Ilex crenata</i>	Japanese Holly
<i>Ilex glabra</i>	Inkberry
<i>Ilex verticillata</i>	Winterberry
<i>Itea virginica 'Henry's Garnet'</i>	Virginia Sweetspire
<i>Juniperus procumbens</i>	Japgarden Juniper
<i>Juniperus sabina</i>	Savin Juniper

Juniperus squamata	Singleseed Juniper
Kalmia angustifolia	Sheep Laurel
Ledum groenlandicum	Labrador Tea
Leiophyllum buxifolium	Box Sandmyrtle
Leucothoe racemosa	Sweetbells Leucothoe
Microbiota decussata	Russian Arborvitae
Myrica gale	Sweetgale
Paxistima canbyi	Canby Paxistima
Pieris floribunda	Mountain Pieris
Rhododendron canadense	Rhodora
Rhododendron viscosum	Swamp Azalea
Rhododendron atlanticum	Coast Azalea
Rhus aromatica 'Gro-Lo'	Gro-Lo Sumac
Rosa Palustris	Swamp Rose
Spirea x bumaldi 'Anthony Waterer'	Goldflame Spirea
Vaccinium macrocarpon	American Cranberry
Zenobia pulverenta	Dusty Zenobia

* Only cultivars of Elms that have been bred for resistance to Dutch Elm Disease

** Excluding 'Bradford' cultivar

***Asian Longhorn Beetle Quarantine Species - Planting Not Recommended in Parts of Brooklyn, Manhattan, Queens, and Staten Island.

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 4: Accessory Off-Street Parking and Loading Regulations

* * *

44-44 Surfacing

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted public parking lots shall be graded, constructed, surfaced and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# group parking facility shall be surfaced with asphaltic or portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

44-45

Screening

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:
 - (1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
 - (2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;

This paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

* * *

44-47

Parking Lot Maneuverability and Curb Cut Regulations

M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to all #developments# and #enlargements# that provide an open parking area #accessory# to #commercial# or #community facility uses#. All such #developments# and #enlargements# shall submit a site plan to the Department of Buildings showing the location of all parking spaces, curb cuts, and compliance with the maneuverability standards shown in paragraphs (b) and (c) of Section 36-58. For the purposes of this Section, #developments# and #enlargements# shall be defined as follows:

- (a) #developments# shall include only those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#, and
- (b) #enlargements# shall include only those that result in:
 - (1) a total number of parking spaces #accessory# to #commercial# or #community facility use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on (date of enactment); or
 - (2) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on (date of enactment), and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is

used for automotive #uses# listed in Use Group 9 or 16.

For the purpose of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

44-48

Parking Lot Landscaping

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility uses# shall comply with the provisions of Section 37-90, inclusive.

* * *

Article VI

Chapter 2

Special Regulations Applying in the Waterfront Area

* * *

62-511

Accessory residential roof parking

On #waterfront blocks#, parking spaces #accessory# to #residential uses# may be located on the roof of a non-#residential building#, a non-#residential# portion of a #building# containing #residential use# or a portion of a #residential building# that does not contain #dwelling or rooming units#, provided that:

* * *

- (c) trees are provided in accordance with Section 62-675 (Planting and trees) at the ~~same~~ rate ~~as required in Section 62-553~~ of one tree for each ten parking spaces for parking areas at grade;

* * *

62-512

Accessory residential off-site parking

For #developments# on #waterfront blocks#, the provisions of Section 25-52 and 36-42 (Off-Site Spaces for Residences) shall be modified so as to permit all permitted or required #accessory# spaces to be located on a separate #zoning lot# provided that:

* * *

- (g) in all districts, trees shall be provided in accordance with Section 62-675 at the ~~same~~ rate ~~as required in Section 62-553~~ of one tree for each ten parking spaces for on-site facilities within a #waterfront block#.

* * *

62-553

~~Tree planting requirements on waterfront blocks~~

~~All open parking areas on #waterfront blocks# shall provide one shade tree, existing or newly planted, for each ten parking spaces. Such trees shall be located in planting areas pursuant to Section 62-675 either along the perimeter of or within the parking area. The tree planting requirements shall not apply to #accessory# parking for WD #uses# or other #uses# in Use Groups 16, 17 or 18 when located in C8 or #Manufacturing Districts#.~~

~~62-554~~ 62-553

Screening requirements for parking facilities on waterfront blocks

- (a) All open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots#, ~~including such #zoning lots# situated across a #street#~~, and from any public access area on the #zoning lot# pursuant to Section 62-675 (Planting and trees). Open parking areas shall also be screened from all #zoning lots# situated across a #street# pursuant to Section 62-675, except where the provisions of Section 37-921(Perimeter landscaping) apply. Screening may be interrupted only by vehicular or pedestrian entrances.

* * *

Article X - Special Purpose Districts

Chapter 5

Special Natural Area District

* * *

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#, parking lot landscaping or maneuverability requirements, 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.

* * *

Article X

Chapter 7: Special South Richmond Development District

* * *

107-483

Planting and screening for open parking areas

Tree planting requirements

One tree of three-inch caliper or more preexisting or newly planted, shall be provided for each four parking spaces. Such trees may be located ~~on~~ in the perimeter landscaped area of the parking area, ~~and not more than five feet therefrom~~ or in planting islands within the parking

area.

However, where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

~~Planting islands shall have at least a 25 square feet of porous material per tree in their planting areas. Tree selection shall be in accordance with APPENDIX B (Tree Selection Tables).~~

~~Around the perimeter of a planting island there shall be metal stanchions, metal walls or other protective devices, at least 18 inches high, adequate to avoid damage to the planting island or trees therein.~~

Screening requirements

~~The parking area shall be screened from all adjoining #zoning lots# or #streets# by a strip of densely planted shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year round dense screen at least six feet high within three years, or by trees of three inch caliper, selected from APPENDIX B and spaced 10 feet on center.~~
perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

All screening areas shall comply with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping), except that the number of trees shall be as set forth in this Section.

In addition, such screening:

- (a) shall be maintained in good condition at all times; and
- (b) may be interrupted by normal entrances and exits.

Planting Waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (a) unique geological conditions, such as excessive subsurface rock conditions or high water table; or
- (b) underground municipal infrastructure; or
- (c) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in #Residential Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of Section 107-322, paragraph (a). Furthermore, for #developments# in #Commercial# or #Manufacturing Districts# which provide trees in accordance with the provisions of this Section, the requirements of Section 107-322, paragraph (a), shall not apply.

* * *

107-68

Modification of Group Parking Facility and Access Regulations

For a permitted #commercial#, #community facility# or #manufacturing use#, the City Planning Commission may authorize more than 30 #accessory# off-street parking spaces, and for any #use#, may modify access restrictions with regard to curb cuts as set forth in paragraph (a) of Section 107-251 (Special provisions for arterials) or paragraph (a) of Section 107-252 (Special provisions for park streets). In order to grant such authorization, the Commission, upon a review of the site plan, shall find that:

- (a) vehicular access and egress are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby #residential# areas;
- (b) where vehicular access and egress are located on an #arterial# or #park street#, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial# or #park street#, and does not unduly interfere with pedestrian traffic; and
- (c) the location of such vehicular access and egress permits better site planning.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition its

authorization upon compliance with an approved site and landscaping plan. The Commission may also permit modifications to parking lot landscaping and maneuverability requirements only if such modifications preserve vegetation and natural topography.

* * *

Article XI

Chapter 2: Special City Island District

* * *

112-124

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

All new or #enlarged# parking lots with 10 or more spaces shall comply with the provisions of this Section.

(a) Screening requirements

#Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened in accordance with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping). ~~by a strip at least five feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one half feet and not more than four feet. In addition, fences not higher than four feet, with a surface area~~

at least 50 percent open, shall be permitted, except that chain link fences shall not be allowed. All permitted fences shall be located behind landscaped areas when viewed from the street.

(b) — Tree planting requirements

~~One tree with a minimum caliper of three inches at time of planting shall be provided for every 10 parking spaces. Fractions equal to or greater than three quarters of a tree shall be counted as an additional tree. All such trees shall be planted at approximately equal intervals and located in planting beds at least six feet square, either adjacent to planting strips required pursuant to paragraph (a) of this Section or in planting islands within the parking lot. A raised curb at least six inches in height shall separate all planting beds from the paved surface of the parking lot. All trees shall be planted in accordance with the standards of the Department of Parks and Recreation, and replaced when necessary.~~

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs).

* * *

Article XI – Special Purpose Districts

Chapter 6

Special Stapleton Waterfront District

* * *

116-30

SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS

* * *

116-35

Screening and Tree Planting Requirements for Parking Facilities

The provisions of this Section shall apply to any new or #enlarged# open off-street parking facility with ten spaces or more, except where the provisions of Section 37-90 (PARKING LOTS), inclusive, apply.

* * *

Article XI - Special Purpose Districts

Chapter 9

Special Hillside Preservation District

* * *

119-312

Authorization of certain uses within the Special Hillside Preservation District

The City Planning Commission may grant authorizations for #commercial uses#, #community facility uses#, #group parking facilities# of 30 cars or more and for #enlargements# to any such #uses# and facilities.

In order to grant such authorizations, the Commission, upon review of the site plan, shall find that:

- (a) the proposed #development#, #enlargement# or #site alteration# will not disturb the drainage pattern and soil conditions of the area;
- (b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;
- (d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;
- (e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby #residential# areas; and
- (f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such #development# to and from such arterial.

The City Planning Commission may permit modifications to parking lot landscaping and maneuverability requirements for A applications for such authorizations of #group parking facilities# for over 30 cars or for #enlargements# to #group parking facilities# if such modifications preserve vegetation and natural topography. ~~shall be referred to the Department~~

~~of Transportation for its report with respect to anticipated traffic congestion.~~

The above resolution (N 070509 ZRY), duly adopted by the City Planning Commission on October 31, 2007 (Calendar No. 9), 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, RICHARD W. EADDY,

NATHAN LEVANTHAL, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,
Commissioners