

Street Tree Planting Text Amendment - **Approved!**



Update April 30, 2008:

On April 30, 2008, the City Council adopted the Street Trees text amendment with modifications.  [View the modified zoning text amendment](#). Zoning text changes are now in effect.

The approved Zoning Text amendment was modified by the City Council in response to concerns raised during the public review process. The modifications eliminate the street tree and planting strip requirements for enlargements of one- and two-family houses. The modifications also allow, in districts other than R1-R5 districts, the vesting of building permits issued prior to April 30, 2008, provided that foundations are completed within one year after this date.

On September 17, 2007, the Department of City Planning referred for public review, an amendment to the Zoning Resolution proposed by the Department that would establish a requirement for street tree planting in all zoning districts, and a requirement for a planting strip between the sidewalk and the curb in lower-density residential zoning districts (R1 - R5). The proposed text changes would not involve modifications to existing use and bulk regulations.

Why is This Text Amendment Needed?

The proposed text would help achieve many city objectives and provide environmental, aesthetic, and safety benefits. This proposed street tree planting requirement supports Mayor Bloomberg's [PlaNYC](#) goals for increased street tree canopy, air quality improvement, and storm water management.

Environmental Benefits

Street trees help reduce the urban heat island effect by providing cool shade over paved roadways. Trees and vegetation filter the air and reduce air pollutants such as particulates and carbon dioxide. Trees and sidewalk planting strips capture storm water, thus reducing storm water runoff, which in turn reduces strain on city sewer infrastructure.

Aesthetic Benefits

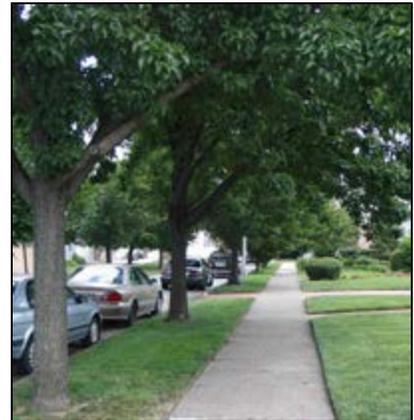
Street trees and planting strips enhance the overall appearance of developments and neighborhoods. Residents and pedestrians enjoy shaded buildings and sidewalks. Street trees and planting strips improve the character and scale of neighborhood streetscapes, and soften otherwise continuous pavement in the public right-of-way.

Safety Benefits

Street trees buffer pedestrians from vehicular traffic, and reduce glare by shading roadways.

Proposed Street Tree Planting Requirements

The proposal would establish regulations that would require planting of street trees in all zoning districts for all new developments, major enlargements (20% or more increase in floor area on the zoning lot), and certain conversions (where 20% or more of the building floor area is changed in use between commercial, residential, community facility, or manufacturing uses). These standards would not apply to light or heavy industrial uses (Use Groups 17 and 18). 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. The site owner would be responsible for planting the required street trees after which maintenance would be the responsibility of the Department of Parks and Recreation (DPR). Pre-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. Standards for street tree planting are set by DPR.



Street trees in grass planting strip, lower density residential neighborhood, Queens



Street trees in tree pits, higher density residential neighborhood, Manhattan

Certain site constraints could preclude street tree planting. For some sites, street tree planting would be unfeasible due to conflicts with infrastructure, as outlined by DPR standards. Required trees that cannot be planted due to such site constraints must be planted in an alternate offsite location selected by DPR. A qualifying location would be either: 1. an existing vacant 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.

Currently, there are regulations in the Zoning Resolution that require planting of street trees for new development in seventeen special zoning districts, for Quality Housing developments and in Lower Density Growth Management Areas. These existing regulations are not uniform. These regulations would be replaced by these new, citywide regulations.

Proposed Planting Strip Requirements

The proposal also establishes regulations for lower-density residential zoning districts (R1 - R5), that would require sidewalk planting strips for all new developments, major enlargements (20% or more increase in floor area on the zoning lot), and certain conversions (where 20% or more of the building floor area is changed in use between commercial, residential, community facility, or manufacturing uses). 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. NYC Department of Transportation (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.

Currently, the Zoning Resolution includes requirements for 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 not be changed by this proposal.

 [View the proposed text.](#)

View the  [presentation.](#)

Public Review

On September 17, 2007, the Department of City Planning referred, for a 60-day period, the proposed text amendment (N 080081 ZRY) to all community boards, borough boards and borough presidents for review and comment. On December 19, 2007, the City Planning Commission held a public hearing on the proposal.

On March 24, 2008 the City Planning Commission adopted the text amendment with modifications*.  [Read the text Amendment.](#)  Read the [CPC Report.](#)

* In response to concerns raised during the public review, the Commission approved the zoning text changes with the following modifications:

1. For one- and two-family homes, exempt enlargements of less than 400 sf from the street tree planting requirements. Similarly, exempt the construction of a new detached garage of less than 400 sf from the street tree planting requirements.
2. In order to make the tree planting process more predictable and user-friendly when tree planting would occur off-site or outside of planting season, give owners multiple options:
 - o For required off-site tree planting, establish a limit of 30 days between the time a contractor requests an available offsite planting location from the Parks Department and the time Parks provides this location. If a location cannot be identified during this period, the required off-site tree(s) would be waived.
 - o As an alternative, allow owners to make a payment in lieu of planting a required off-site tree. Payments would be used by the Parks Department to plant the tree in fulfillment of the zoning requirements. The payment-in-lieu option would also be available for the planting of on-site trees, when planting would otherwise occur out of season.
3. Clarify that required offsite trees would be located in existing tree pits, planting strips, or unpaved City-owned areas identified by the Parks Department.
4. Allow planting strips to be waived where they would be less than 6 inches wide due to the minimum required width of sidewalk pavement.
5. Retain existing, broader applicability of the street tree planting requirements in the Special Clinton District in Manhattan.

6. Clarify that planting strip requirements would be triggered by the same activities (e.g., new buildings, certain enlargements) as street tree planting requirements.

7. Not require planting strips in special mixed-use (MX) districts. This would apply the same treatment to MX districts as to commercial districts, where planting strips would not be required.

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For more information about the proposal, contact the Strategic Planning office of the Department of City Planning at (212) 720-3247.

Related Notes

-  Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).