

**NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION**

**NOTICE OF ADOPTION**

**Revision of New York City Department of Parks & Recreation's Rules**

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the Department of Parks & Recreation (“the Department”) by Sections 389 and 533(a)(9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, the Department hereby revises Section 5-02 of Chapter 5 of Title 56 of the Rules of the City of New York.

Written comments regarding the rules were received in accordance with the notice published in the City Record June 22, 2022. No changes were made to the rules subsequent to receiving the two comments submitted. Written comments are available to the public upon request via email at [rules@parks.nyc.gov](mailto:rules@parks.nyc.gov) and (212) 360-1383.

## Statement of Basis and Purpose

NYC Parks hereby amends § 5-02(a) of Chapter 5 of Title 56 of the Rules of the City of New York. The amended rule implements Local Law 141 of 2021 (“LL 141”), which amended Subdivision 18-107(e) of the Administrative Code of the City of New York (“Administrative Code”).

LL141 limits the number of replacement trees that NYC Parks may require to be planted by individuals and by entities that lawfully remove trees during construction projects in certain lower density residential districts. Specifically, LL141 prescribes that the number of caliper inches of replacement trees required be no greater than two times the number of caliper inches removed in R1, R2 and R3 zoning districts. (Caliper is a measurement of the diameter of a tree.)

The purpose of the rule is to:

- comply with the above directive in Local Law 141 of 2021, requiring NYC Parks to promulgate a rule limiting the number of caliper inches of replacement trees required in R1, R2, and R3 zoning districts.

The Parks Department’s authority for these rules is found in provisions 389(b), 533(a)(9), and 1043 of the New York City Charter and subdivision (e) of section 18-107 of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

### **Section 1. Paragraph 5-02(a)(5) of Chapter 5 of Title 56 of the Rules of the City of New York is amended to read as follows:**

(5) [a.] *Number of Replacement Trees.*

a. Based on the factors established in 56 RCNY § 5-02(a)(1) - (4) of this chapter, the Department will determine the required number of replacement trees.

b. In no case shall the number of replacement trees equal less than one caliper inch of replacement tree for each caliper inch of tree removed.

c. When a tree in Zoning Districts R1, R2, and R3 is removed with the Department’s approval pursuant to subdivision 5-01(b) of the Department’s rules, the number of caliper inches of replacement trees required by the Department will be no greater than two times the number of caliper inches removed.