

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

Notice of Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Parks and Recreation (“NYC Parks”) is proposing to amend its rules to implement Local Law 141 of 2021, which directs NYC Parks to limit the number of caliper inches of replacement trees required in certain zoning districts

When and where is the hearing? NYC Parks has determined, pursuant to New York City Charter section 1043(e), that a public hearing on the proposed rule would serve no public purpose.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department of Parks and Recreation through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@parks.nyc.gov.
- **Mail.** You can mail written comments to: Darci Frinquelli, Assistant Counsel, The Arsenal, Central Park, 830 Fifth Avenue, New York, NY 10065.
- **Fax.** You can fax written comments to 917-849-6742.
- **Hearing.** NYC Parks has determined, pursuant to New York City Charter section 1043(e), that a public hearing on the proposed rule would serve no public purpose.

Is there a deadline to submit written comments? You must submit comments by July 21, 2022.

Can I review the comments made on the proposed rules? You can review the comments made online concerning the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online and copies of all written comments concerning the proposed rules will be available to members of the public, who may request them by mail or email at the addresses given above. You may also request the comments by telephone at 212-360-1383.

What authorizes NYC Parks to make this rule? Sections 389, 533(a)(9), and 1043 of the City Charter authorize the NYC Parks to make this proposed rule. This proposed rule was not included in the NYC Parks regulatory agenda for this Fiscal Year because it was not contemplated when agencies needed to submit an agenda.

Where can I find the rules of NYC Parks? The NYC Parks rules are in Title 56 of the Rules of the City of New York.

What rules govern the rulemaking process? NYC Parks must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the Charter.

Statement of Basis and Purpose

NYC Parks proposes to amend § 5-02(a) of Chapter 5 of Title 56 of the Rules of the City of New York. The amended rule will implement 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 proposed rules 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.