



City of New York Parks & Recreation



New York City Council Subcommittee on Zoning & Franchises

Hearing on Street Trees Text Amendment
April 15, 2008

Testimony by
First Deputy Commissioner Liam Kavanagh

Trees have always been an essential component of human society, providing food, shelter, fuel and much of the raw material needed to support commerce, education and the arts. And while society had become increasingly urbanized and we have developed new materials, methods and technologies to replace products that had relied on wood for centuries, trees remain an invaluable asset, especially in a densely populated city like New York. Trees are the workhorses of the environment, contributing to cleaner air and water, cooling the atmosphere, reducing energy use and carbon production and providing homes for wildlife. They also define the character of a community, connect people to nature and add tangible value to property. And while we have long known intuitively that trees are valuable, the emerging research in the field of urban forestry has allowed us to put a dollar value on the contributions that trees make to our city. The U.S. Forest Service, using a sophisticated computer program called Stratum, analyzed the City's street tree population and calculated that each year the 592,140 trees that line our streets provide almost \$122 million in environmental benefits and additional property value. In air quality alone, street trees remove 272 tons of particulate matter each year valued at \$5.3 million.

Street trees in particular are a good way to mitigate storm water runoff. Healthy urban trees reduce the amount of runoff and pollutant loading by intercepting rainfall on their leaves and branches and storing rainwater in tree pits. New York's street trees intercept 890 million gallons of storm water annually or an average of 1,525 gallons per tree. The total value of this benefit to the City is \$35.6 million. As technology and the city street infrastructure changes, the Parks Department will continue to change and update our tree pit designs to incorporate efficient and tree-safe retention, detention and infiltration methods, further enhancing the impact that street trees have beyond improving water quality. And of course, as we plant more trees, more storm water will be diverted from the sewer system. Additionally, street trees have safety benefits for pedestrians and drivers by reducing glare and separating pedestrians from vehicle traffic.

Through PlaNYC, the Mayor has made a commitment to urban greening that is unprecedented in American history. Last October, Mayor Bloomberg launched MillionTreesNYC, a campaign to plant a million new trees over the next ten years and to train and educate New Yorkers about the importance of trees and the role they can play in building a healthier future. This program provides almost \$400 million over the next ten years to create 2,000 acres of new forests and to fully plant all of the streets in the five boroughs. As enormous as this commitment is, we won't

fully capture all of the environmental benefits and achieve our goals without contributions from the private sector. Continued growth and development are critical to maintaining the City's position as a center of art, industry and commerce. But growth must also contribute to the City's broader goals of creating cleaner, greener and more sustainable communities. The proposed Street Tree Text Amendment will help to accomplish that.

In addition to the planting commitment, PlaNYC has already added \$7.5 million to the Parks to expand our tree maintenance program. This will allow us to reduce the pruning cycle from ten to seven years, eliminating the backlog of stumps and allowing us to more effectively administer the proposed new zoning requirements. Our borough forestry teams have increased capacity to more swiftly respond to tree issues and emergencies as they arise and our extremely successful and popular Trees and Sidewalks Program is already easing the impact that tree roots have on sidewalks around the City. These enhancements and increased funding are allowing us to help these trees mature and be healthy with minimal impact on existing or future infrastructure so that New York's development will be in harmony with its sustainability. And, as always, the district offices of Council Members all across the City are vital in helping us identify areas that need to be addressed when it comes to planting, pruning, stump removal, and sidewalk repair and we look forward to continued partnership with all 51 members as we improve the urban canopy in your districts.

This zoning proposal also recognizes that there are times when planting is not feasible either because of proximity to infrastructure or a conflict with the character of a historic district. In those cases, we'll ask applicants to either plant the same amount of trees at an approved off-site area, pay the Parks Department to do the planting off-site at a cost of \$1,900 per tree, or pay for the tree to be planted during planting season if construction schedules don't allow for the tree to be planted in season. Typically, a homeowner or developer would pay around \$1,800 for an individual tree if they were to hire their own contractor.

Today, we estimate that our street trees are 75 percent stocked and, based on our last tree census, 90 percent of those trees are in good or excellent condition. To fully stock our streets with trees we need to add an additional 220,000 trees, which we will do by adding 22,000 trees from now until 2017. However, we also remove approximately 8,000 street trees each year, which means we will fall short of our goal unless we find other sources for street trees. By approving this amendment our street tree planting capacity will be augmented even more – by approximately 10,000 trees a year – which adds an additional 100,000 trees by the end of our 10 year timeline. This will ensure that every community in New York City will enjoy the environmental benefit from PlaNYC's bold initiative to plant 1 million trees by 2017. The Parks Department strongly urges you to approve this amendment so that we can continue to build a greener, greater, and, ultimately, healthier city now and in the future.

**TESTIMONY SUBMITTED ON BEHALF OF
BRONX RIVER ALLIANCE**

**By
PAUL MANKIEWICZ**

**HEARING BEFORE THE NEW YORK CITY COUNCIL
ON PROPOSED REVISIONS TO
ZONING TEXT CONCERNING STREET TREES AND YARDS**

APRIL 15, 2008



Thank you for the opportunity to testify today concerning the proposed revisions to zoning text concerning street trees and residential yards. This testimony is offered on behalf of the Bronx River Alliance.

Established in November 2001 as a non-profit corporation, the Bronx River Alliance acts as a coordinated voice for the river and works collaboratively with public and private partners to protect, improve, and restore the Bronx River corridor and greenway so that they can be healthy ecological, recreational, educational and economic resources for the Bronx communities through which the river flows. We are deeply concerned about the impact of combined sewer overflows and polluted storm water on the river's health and its potential as a recreational resource.

The Alliance is a founding member of Storm Water Infrastructure Matters, a coalition dedicated to ensuring swimmable waters around New York City through natural, sustainable storm water management practices in our neighborhoods. NYC's current level of impervious cover diverts almost all the storm water that falls on New York City from roads, sidewalks, vacant lots, open space and buildings into the combined sewer system, resulting in CSO events. In order to reduce the effect of CSOs on the estuary,

NYC must focus on capturing, infiltrating or otherwise retaining storm water before it enters the combined sewer system. We believe that this approach is environmentally and fiscally responsible because it utilizes storm water, currently viewed as waste, as a resource.

BRONX
RIVER



ALLIANCE

Pollution Problems: Stormwater as a Waste

Water quality in the rivers, creeks, and bays surrounding New York City has improved in significant respects since the passage of the landmark federal Clean Water Act in 1972. But, 30 years later, substantial sources of pollution still remain. Excessive stormwater runoff is at the root of much of the city's water pollution problems.

As you know, the sewer system in most of NYC carries both rainwater and raw sewage through the same network of pipes and sewage treatment plants. The combined sewer system is big enough to handle all of the city's sewage but, when it rains as little as one-tenth of an inch, the combined volume of sewage and rain water exceeds the capacity and the city diverts untreated sewage directly into our waterways. These combined sewer overflows ("CSOs") release pathogens and other pollutants into the water, posing a danger to the public health, damaging the ecology, and frequently making our waters unsuitable for many recreational activities.

New York City annually dumps some 27 billion gallons of raw sewage and polluted stormwater, spewing from approximately 460 CSO outfalls, into virtually every waterbody surrounding New York City – from the Hudson, East, and Bronx Rivers, to

Jamaica and Flushing Bays, to Newtown Creek, to the Gowanus Canal, and many more.¹

Preliminary estimates by the Department of Environmental Protection (DEP) indicate that nearly 1/3 of public access points to our waterfront, city-wide, are within less than 3 city blocks (i.e., 750 feet) of a CSO outfall.² Pathogens and other pollutants released from CSOs cause beach closures, restrict shellfish uses, and damage our waterways' aesthetic qualities and ability to support human recreation and aquatic and marine life.

In some areas of the city, a system of separate stormwater sewers avoids the CSO problem. But these sewers carry significant amounts of metals, pesticides, bacteria, and other organic and inorganic pollutants washed by rain water off of our streets, parking lots, yards, and other surfaces, depositing that pollution directly into our waters, untreated in any way.

Due to in large part to CSO and stormwater pollution, New York City – 35 years after the passage of the Clean Water Act – remains a long way from restoring its waterways to “fishable and swimmable” condition, as promised in that landmark federal law.

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Under a series of plans DEP submitted to the New York State Department of Environmental Conservation (NYSDEC) in June of last year, DEP proposes an array of end-of-pipe and other engineering fixes that, by DEP's estimate (which is still under review by NYSDEC), would reduce CSO discharges by approximately 11 billion gallons per year – but would still result in over 17 billion gallons of CSOs annually.³ These DEP plans also fail to address polluted runoff discharged through separate storm sewers.

The Solution to Pollution Problems:

Urban Soils are the Reservoir and Filter that Support Trees and Filter Runoff

While much of the original soil cover of New York City has been paved over, every tree planting opens up access to this below-ground filter and water reservoir for vegetation. Optimizing the size of this filter and water reservoir is a key first step towards extending the green cover over the City streets while holding and cleaning runoff from our roadways. Every cubic foot of good tree-pit soil can hold three gallons of water; every cubic yard of soil can hold enough water to support about a week of tree growth. The proposed zoning amendments before the Committee today are part of a broader plan to spread these natural-life support filters throughout the City.

PLANYC Solutions: Stormwater as a Resource

Mayor Bloomberg's "PLANYC 2030" calls for keeping sewage and polluted storm runoff out of our waters by re-making the urban landscape to mimic more closely the way

³ These figures are derived from figures given in DEP's June 2007 "Waterbody/Watershed Facility Plan Reports," submitted to NYSDEC. Because DEP's several reports do not report their data in consistent format, nor has DEP provided any cumulative city-wide totals, these estimates reflect our best effort to aggregate the numbers from these multiple reports. Note that the projected CSO volume reduction and projected remaining CSO volume add up to more than the current 27 billion gallons per year because DEP's reports account for future increases in sanitary sewage flow into the sewer system due to population growth.



At the Planning Commission hearing, we also recommended a number of ways in which the proposed amendments could be strengthened, to ensure that the required street tree and yard plantings will actually provide the touted stormwater benefits, as well to ensure that newly planted trees receive adequate water even to survive. The drafts of both the Street Tree Planting and Yards Text Amendments before the Committee today have not been revised to address the concerns we raised. We hope that our central concerns will be addressed by the NYC Department of Parks and Recreation when they establish the pertinent rules and guidelines for street tree pit and planting strip design. We ask your Committee and the City Council at large to encourage DPR to adopt rules and guidelines that maximize the efficacy of street tree plantings and yard plantings for storm water retention and drainage, and amelioration of the urban heat island effect. We also call on the Council to encourage close coordination between DPR and the Department of Transportation to develop new specifications for related issues over which DOT exercises legal authority – specifically, facilitating the flow of stormwater from streets and sidewalks to planted areas, by requiring the use of curb inlets adjacent to street tree pits and planting strips and permeable pavement along the adjoining sidewalk area.

In addition, S.W.J.M. asks the Committee to adopt a limited number of specific revisions to the proposed text amendments, before sending the proposals to the full Council. It is important to include the following revisions concerning enhanced stormwater capture in the zoning text itself, as they would likely be beyond the authority of City agencies to implement through regulations or guidelines alone.



natural systems handle rainwater – using stormwater to green our city before it ever has a chance to enter the sewer system. PLANYC also recognizes, however, the combined efforts of multiple executive agencies of the city – including the Department of City Planning (DCP), and the Department of Buildings (DOB), which ensures compliance with DCP’s zoning regulations – are needed to accomplish this task.⁴ New York City Local Law 5 (2008), signed into law just two months ago, provides for the development of a Sustainable Stormwater Management Plan to identify specific policy changes and other initiatives needed to implement this aspect of PLANYC.

PLANYC specifically explains that urban trees – both along streets and on other public and private property – provide one efficient means of stormwater capture. Trees also provide many other benefits to the city, including moderating the climate (and thereby saving energy), sequestration of carbon dioxide (thereby mitigating global warming pollution), filtering the air (thereby mitigating harmful air pollution), neighborhood beautification, and increasing property values. A city-sponsored study concluded that “New York City’s street trees are a valuable asset, providing approximately . . . \$172 per tree (\$15 per capita) in net annual benefits to the community. . . . [T]rees are providing \$5.60 in benefits for every \$1 spent on tree planting and care.”⁵

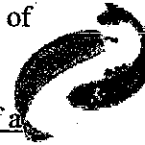
Recommended Improvements to Proposed Zoning Text Revisions

In testimony to the Planning Commission in December 2007, S.W.I.M. applauded the goals of both the Street Tree and Yards Text Amendments to increase vegetative cover throughout the City. We strongly support the City Council’s adoption of these proposals.

⁴ PLANYC: Water Quality, at 58.

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BRONX
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ALLIANCE

1. The Street Tree Text Amendment should be revised to provide for spacing between trees of 20 feet, rather than 25 feet, consistent with existing guidelines of the Department of Parks and Recreation. (See proposed § 26-41.)
2. The Street Tree Text Amendment should explicitly provide that, in the event of a conflict between these amendments and the recently adopted parking lot zoning requirements concerning street trees (Zoning Resolution § 37-95), the general Street Tree regulations currently before the committee should govern. (For example, one significant conflict is that the parking lot rule provides an unqualified exemption from the street tree planting requirement if DPR determines on-site planting to be impracticable, whereas the Street Tree proposal, in that situation, requires tree-planting in an “alternative location” to be determined by DPR. (See proposed § 26-41.))
3. The Yards Text Amendment should be revised to require that impervious surfaces in front-yards be graded to direct drainage to the mandatory planted areas, to the extent practicable. (See proposed § 23-451.) If drainage were, instead, directed to the street, most of the potential stormwater benefits of the Yards Text Amendment would be lost.

In closing, we thank you for this opportunity to testify on these important proposals and applaud the Council's work to further the greening of New York City.

Zoning Requirements for Street Trees and Sidewalk Planting Strips
New York City Planning Commission
Testimony of New York Restoration Project
April 15, 2008



Let me first introduce myself – I am Drew Becher, Executive Director for New York Restoration Project (NYRP), and I am here today on behalf of NYRP and our founder and leader, Bette Midler to share our strong support for changes in New York City zoning regulations that would require new commercial and residential developments and enlargements and changes of use of 20 percent or more to plant street trees – in most instances, requiring one street tree for every 25 feet of street frontage.

As you know, New York Restoration Project is a non-profit organization dedicated to reclaiming and restoring neglected and under-resourced parks, community gardens and open spaces in economically disadvantaged neighborhoods throughout New York City's five boroughs. Since its founding in 1995, NYRP has planted over 100,000 trees and shrubs to support the restoration of New York City's parks and public spaces; removed more than 925 tons of garbage and debris from project sites; saved 114 community gardens from commercial development; and transformed an illegal dumping ground into the now five-acre Swindler Cove Park.

Recognizing the benefits trees provide our city's residents, neighborhoods and environment, PlaNYC established MillionTreesNYC – the goal of planting one million new trees throughout the City's five boroughs over the next decade – resulting in an increase of New York City's tree population by 20 percent. In fact, the benefits associated with trees in densely populated areas are significant, especially when you consider their combined effect on a city's environment, the health and wellbeing of its residents, the strength of local economies; and promotion of community revitalization and pride.

MillionTreesNYC is a partnership between Mayor Bloomberg's PlaNYC initiative, the New York City Department of Parks & Recreation and NYRP as well as community, non-profit, government and corporate partners throughout the City. A core element of MillionTreesNYC is a community-based, tree-planting strategy that compliments the New York City Parks Department's expanding public tree-planting programs over the next 10 years. In key areas of the City – known as Trees for Public Health neighborhoods – the Parks Department and NYRP will work with community partners to assess tree-planting opportunities on schoolyards and playgrounds, NYCHA public housing campuses, libraries and museums and community health and senior centers, as well as the front and back yards of single-family homes.

First, NYRP would like to commend the New York City Department of City Planning Commission for supporting these zoning regulations and for getting these necessary regulations before the New York City Council for review. NYRP would also like to commend members of the New York City Council for your commitment to make New York City a greener, more sustainable city in which to live, work and play. PlaNYC – the Mayor's long-term sustainability initiative – is a bold vision for our city and more importantly, its current and future residents. The plan invites us to re-imagine our public spaces, and as a result, improve our air and water quality; expand our parks and open spaces; and green our streets and public and private properties to cool, beautify and revitalize our city's neighborhoods. The City Council's funding and implementation of PlaNYC initiatives – including MillionTreesNYC – is critical to our shared responsibility in building a City that is sustainable and strong for future generations of New Yorkers.

NYRP fully supports this initiative to modernize current zoning requirements. As part of our MillionTreesNYC initiative, this amendment will be instrumental in bringing us one step closer to our goal of planting one million trees throughout New York City. However, in addition to implementing the zoning changes, NYRP is asking the City Council to innovate the proposed amendment with the following stipulations:

- In commercial districts, developers should be required to install permanent tree guards for each tree planted as a means of protecting new trees and their roots from pedestrian traffic and other urban elements such as dog waste, the dumping of hazardous materials and the chaining of messenger bikes to trees. The installation of tree guards in commercial districts also provides the opportunity to install longer tree planters (also referred to as tree pits) – creating greener corridors in business and shopping districts which have been shown to increase business and revenues.
- Innovations in tree pit design should also be encouraged through the zoning changes. Like the adopted parking lot tree-planting requirements, the use of stormwater retention cells – also known as bioswales – should be encouraged. Bioswales provide trees with natural irrigation ensuring plantings remain lush and green, lower plant material replacement costs, and absorb stormwater on site, resulting in less taxation on our city's sewer system.
- Most important, the zoning changes must address the critical issue of tree maintenance and care. In order for new trees to thrive and grow, they must be regularly watered and their soil tended to during the first 24 months. Without proper watering and soil maintenance, it is a fact that new trees are less likely to survive the urban elements.

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Zoning Requirements for Street Trees Testimony

If implemented, NYRP encourages the New York City Department of Planning to continue working closely with the City's Parks Department and its Forestry Division, and follow the Parks Department's lead in introducing innovations in tree-planting and maintenance practices.

New York Restoration Project believes that by implementing the proposed zoning regulations, the City Council will go a long way in helping us reach our shared goal of planting one million new trees. In fact, it's estimated that along with the recently adopted regulations requiring tree planting on newly developed off-street parking lots, the zoning changes being considered today will account for approximately 10,000 new trees annually throughout New York City.

I want to conclude by again conveying New York Restoration Project's strong support for the changes in the City's zoning regulations that will go a long way in helping us achieve the tree-planting goals set by PlaNYC and the MillionTreesNYC initiative. At the same time, we encourage the City Council to give serious consideration to the many innovations and improvements outlined in our testimony this morning. NYRP and the entire MillionTreesNYC Advisory Committee stand ready to work with the Council to ensure the zoning changes are approved and improved.

On behalf of New York Restoration Project and Bette Midler, thank you to the members of the City Council for allowing us the opportunity to testify this morning, to lead the MillionTreesNYC initiative in partnership with the New York City Department of Parks and Recreation, and to share our strong support for the expansion of tree planting as a result of the proposed zoning changes. The trees that will be planted as a result of this measure will produce significant environmental, health, societal and economic benefits to New Yorkers for generations to come – resulting in a greener, greater New York.

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**TESTIMONY SUBMITTED ON BEHALF OF
STORM WATER INFRASTRUCTURE MATTERS (S.W.I.M.)**

**HEARING BEFORE THE NEW YORK CITY COUNCIL
ON PROPOSED REVISIONS TO
ZONING TEXT CONCERNING STREET TREES AND YARDS**

APRIL 15, 2008

Thank you for the opportunity to testify today concerning the proposed revisions to zoning text concerning street trees and residential yards. This testimony is offered on behalf of S.W.I.M., or “Storm Water Infrastructure Matters,” a coalition of more than 50 organizations, including community and environmental groups, environmental justice organizations, architects, water engineers, and community development corporations, that are dedicated to ensuring swimmable waters around New York City through natural, sustainable storm water management practices in our neighborhoods. As active stakeholders in our neighborhoods, S.W.I.M. coalition members have a wealth of knowledge about planned development and re-development projects and local stormwater infrastructure problems.

For the reasons explained below, S.W.I.M. strongly supports adoption of the proposed zoning text amendments. However, we also call on this Committee to adopt a limited number of important revisions to the proposed text amendments, and to exercise continuing oversight of implementation of these text amendments, including by the Department of Parks and Recreation.

Pollution Problems: Stormwater as a Waste

Water quality in the rivers, creeks, and bays surrounding New York City has improved in significant respects since the passage of the landmark federal Clean Water Act in 1972. But, 30 years later, substantial sources of pollution still remain. Excessive stormwater runoff is at the root of much of the city's water pollution problems.

As you know, the sewer system in most of NYC carries both rainwater and raw sewage through the same network of pipes and sewage treatment plants. The combined sewer system is big enough to handle all of the city's sewage but, when it rains as little as one-tenth of an inch, the combined volume of sewage and rain water exceeds the capacity and the city diverts untreated sewage directly into our waterways. These combined sewer overflows ("CSOs") release pathogens and other pollutants into the water, posing a danger to the public health, damaging the ecology, and frequently making our waters unsuitable for many recreational activities.

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In addition, S.W.I.M. asks the Committee to adopt a limited number of specific revisions to the proposed text amendments, before sending the proposals to the full Council. It is important to include the following revisions concerning enhanced stormwater capture in the zoning text itself, as they would likely be beyond the authority of City agencies to implement through regulations or guidelines alone.

1. The Street Tree Text Amendment should be revised to provide for spacing between trees of 20 feet, rather than 25 feet, consistent with existing guidelines of the Department of Parks and Recreation. (See proposed § 26-41.)
2. The Street Tree Text Amendment should explicitly provide that, in the event of a conflict between these amendments and the recently adopted parking lot zoning requirements concerning street trees (Zoning Resolution § 37-95), the general Street Tree regulations currently before the committee should govern. (For example, one significant conflict is that the parking lot rule provides an unqualified exemption from the street tree planting requirement if DPR determines on-site planting to be impracticable, whereas the Street Tree proposal, in that situation, requires tree-planting in an “alternative location” to be determined by DPR. (See proposed § 26-41.)

3. The Yards Text Amendment should be revised to require that impervious surfaces in front-yards be graded to direct drainage to the mandatory planted areas, to the extent practicable. (See proposed § 23-451.) If drainage were, instead, directed to the street, most of the potential stormwater benefits of the Yards Text Amendment would be lost.

In closing, we thank you for this opportunity to testify on these important proposals and applaud the Council's work to further the greening of New York City.

**Testimony of Rohit Aggarwala, Director of the Mayor's Office of Long Term
Planning and Sustainability, to the New York City Council,
Subcommittee on Zoning and Franchises on
Proposed Street Trees and Yards Zoning Text Amendments
Committee Room – City Hall
April 15, 2008**

Good morning, Chairman Avella and Committee Members. I am Rohit Aggarwala, Director of the Mayor's Office of Long-Term Planning and Sustainability, the office that managed the creation and now the implementation of PlaNYC, the City's long-term sustainability plan. Thank you for inviting us here today to testify on the importance of the proposed street trees and yards zoning amendments to realizing the city's sustainability goals.

In my testimony today, I will address the reasons why the street trees and yards zoning amendments are key elements of the City's sustainability plan, and should be adopted. After my overview, representatives of the Department of City Planning and the Department of Parks and Recreation will discuss the specifics of the proposals and will be available to answer your questions.

Last April, nearly a year ago, Mayor Bloomberg unveiled PlaNYC 2030, a 127 initiative plan that will help New York City deal with the challenges of growth, aging infrastructure, and risks to our environment from pollution and climate change while achieving a greener, greater New York City. Together, these initiatives provide a roadmap to achieve the city's ten sustainability goals, including ensuring all New Yorkers live within a 10-minute walk of a park, opening 90% of our waterways for recreation by reducing water pollution and preserving our natural areas, achieving the best air quality of any large city, and reducing global warming emissions by 30%. Most

of the 127 initiatives contribute to more than one goal, but this is especially true for the PlaNYC initiatives that include trees, vegetation, and natural areas.

The plan was developed through extensive discussions with the community about what we need to make the City a better place to live, and we heard time and time again that the city needs more green space and planted areas. That is why one of our biggest investments is to plant one million trees in the city. The Administration has committed to invest \$400 million to the Million Trees NYC campaign, of which \$250,000 is for street tree planting. We are partnering with community, non-profit and corporate partners to plant 800,000 trees on our streets and lots. In addition, money was added to the Parks Department budget to take care of maintenance and pruning of street trees. The City is also reforesting 2,000 acres of parkland at a cost of \$118 million. In total, the City's investments will cover over 60% of the plantings necessary to achieve the goal of one million new trees.

The PlaNYC initiatives around tree plantings help achieve the greatest number of sustainability goals. Trees help filter air pollutants, which is one reason why we are focusing our planting efforts in areas with high asthma rates. The shade from trees keeps our paved surfaces cool, reduces the "urban heat island" effect, and reduces all of our air conditioning bills and pollutants emitted by power plants. And trees can help soak up rainwater, prevent flooding and limit discharges of polluted stormwater into our rivers, creeks, and canals. We are conducting a number of pilot projects to determine

how we can design tree pits to absorb the greatest amount of rainwater without killing the trees.

Trees also provide these benefits and more to private homeowners and business owners. Studies show that planting a tree within 50 feet of a house can increase its value by about 9%, and that location of a house within 1/4 mile from a park increased values by 10%. Other studies show that more trees lead to increased consumer activity, and that people will travel farther to visit 'forested' urban shopping districts and pay more for parking, goods, and services. That is one reason why business improvement districts and the New York City Economic Development Corporation help plant trees.

Given these benefits, the proposed zoning amendments require a meaningful, but reasonable commitment from people building new buildings or significantly enlarging them to help plant trees. We estimate that they will result in about 10,000 new trees a year, about a tenth of the 100,000 trees the city is planting annually through the Million Tree Initiative. As to the specific standards of tree pits, the amendments incorporate standards adopted by the Department of Parks and Recreation, which can be adjusted as we learn more about the ability of trees to handle more stormwater through the completion of ongoing pilot projects.

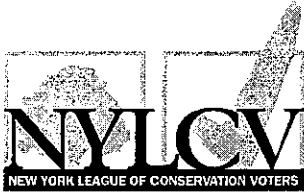
The yards amendment will produce a range of public benefits, but I want to focus on stormwater runoff benefits. Several initiatives within PlaNYC are directed towards

this problem, which is caused by the fact that so much of our city is paved over with impervious surfaces, causing the rain to runoff in torrents rather than soak into the ground. The city is planning to spend billions of dollars to store stormwater in large tanks and tunnels, but our alternative plan, which is now required by Local Law 5, will develop greener solutions by creating a network of "upstream" areas that will hold water back or let it soak into the ground. As we develop that plan, it is important not to lose the natural, unpaved areas that we already have. The proposed amendment would require new buildings in our lower density neighborhoods provide greenery in their front yards, and prohibit existing houses from paving over their planted front yards. In addition to aesthetic benefits, this will help control stormwater and prevent flooding

To summarize, these two proposals are more than reasonable. The investment into street trees is only required for new construction and major renovations and the resulting improvements to property values more than make up for the relatively small investment. Both proposals offer a cost-effective approach to enhance the city's efforts to better manage stormwater to improving our local waterways and allow for additional recreational activities for all New Yorkers. In addition, these, together with the other PlaNYC initiatives, will help us achieve a greener, greater New York City.

I encourage the Committee to view these text amendments as an important element to several PlaNYC initiatives that will make our city more livable.

Now Howard Slatkin from the Department of City Planning and Liam Kavanagh from the Department of Parks and Recreation will discuss the specifics of the proposed street tree zoning amendments.



**Testimony of Dan Hendrick
Communications Director
New York League of Conservation Voters**

**New York City Council
Proposed Text Amendment regarding Street Trees**

April 15, 2008

Good morning Chairman Avella and members of the Committee. It is a pleasure to testify here today in support of the proposed text amendment regarding street trees. The NYLCV strongly supports this proposal and urges the Council to approve the amendment.

New York City's densely built urban fabric faces unique environmental challenges. Climate change is an increasing threat to our coastal city, with temperatures projected to increase as much as 8°F in the winter and 12°F in the summer by the end of this century. Additionally, the city's numerous waterways, long considered to be among our most important natural resources, struggle under the constant bombardment caused by the estimated 27 billion gallons of raw sewage pumped into them each year by combined sewer overflows (CSOs).

Earlier this year, Mayor Bloomberg released *PlaNYC 2030*, a comprehensive sustainability agenda. PlaNYC calls for a number of ambitious goals, including reducing the City's greenhouse gas emissions by 30%, planting 1 million new street trees by 2017 and improving water quality. Greening New York City by increasing the number of street trees is a vitally important step towards achieving the ambitious sustainability goals outlined in PlaNYC.

Street trees are an economical way to provide several environmental benefits while simultaneously beautifying neighborhoods and increasing property values. Trees and vegetation reduce air pollution and capture harmful greenhouse gasses. The 5.2 million trees in New York City remove 42,300 tons of carbon each year. Increasing the number of trees planted throughout the city will be a significant contribution to the city's overall efforts to combat climate change and improve air quality for all New Yorkers. Furthermore, street trees reduce the urban heat island effect and provide enhanced quality of life in residential communities.

Street trees are also a critical and cost effective tool in the fight to improve water quality. Fully solving the CSO problem will require an enormously

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expensive capital effort to re-engineer the city's sewer system. As this level of commitment is unlikely in the near future, it is important that we look to other means to address this problem. Reducing the amount of polluted storm water that enters the system and triggers CSO events is the most cost-effective means of improving water quality and making our extensive waterfront the recreational draw that it should be. The average street tree intercepts over 1,400 gallons of storm water each year, and it has been estimated that 300,000 new trees could decrease storm water runoff by as much as 3.9 billion gallons a year.

The proposed amendment provides a reasonable and equitable framework for substantially increasing the number of trees in the city. Expanding tree cover is a cost-effective tool to battle climate change, improve water quality, and make our city more livable. We strongly urge the Commission to approve the amendment.

April 11, 2008

Land Use Division
New York City Council
250 Broadway, 16th floor
New York, NY 10007

Re: Street Tree Zoning Text Amendment—City Council Public Hearing

Dear Zoning and Franchises Subcommittee,

Brooklyn Botanic Garden has long been an advocate of planting more street trees in New York City and of educating people about their many benefits and proper care. Working with Trees New York and the NYC Department of Parks and Recreation, we have taught hundreds of people how to become Certified Citizen Tree Pruners. We also give workshops on Street Tree Bed Gardening that emphasize the health of the tree by focusing on correct watering techniques and not raising the level of the soil.

The benefits of street trees in providing shade (and thus reducing the urban heat island effect), filtering air pollutants, and buffering pedestrians from road traffic are well known. We ask you also to consider the following:

- Caring for street trees brings people together and builds stronger communities
- Neighborhoods with more street trees have lower rates of crime and asthma
- Street tree beds and continuous planting strips allow apartment dwellers to engage in horticulture, a significant therapeutic activity
- Street trees and continuous planting strips provide critical habitat for birds and beneficial pollinators, and increase biodiversity in the city
- Continuous planting strips are ideal places to plant rain gardens designed to filter storm-water runoff that strains our sewer infrastructure

In addition to supporting this amendment, Brooklyn Botanic Garden asks the City Council to encourage developers to implement best storm-water management practices for irrigating these street trees and planting strips, something now done in Chicago, Minneapolis, Madison, Seattle and many cities around the nation.

Judging the Greenest Block in Brooklyn Contest for 13 years, we've learned how important street trees are for community health, both physical and psychological. Last year, in addition to awards for the Best Residential and Best Commercial Blocks, we initiated a new award for Best Street Tree Beds. The first place prize for tree beds was awarded to East 49th Street between Lenox Road and Linden Boulevard in East Flatbush. Pictures of all the winners can be found on our website at www.bbg.org.

(over)

Over the years, we've seen blocks and neighborhoods completely transformed by people planting and caring for street trees. I wish I could bring you to Macon Street in Bedford Stuyvesant or State Street in Boerum Hill, where jewel-like gardens surround trees on blocks that were once naked and baking in the summer sun. Trees bring people out of their individual yards and into a collective effort to care for something really important to the community, something that improves everyone's lives.

After taking our Street Tree Bed Gardening workshop, Nina Browne wrote to tell me that "Learning about how raised soil could kill a tree motivated me to form a Street Tree Garden committee of our Rutland Road Block Association. At our next block clean-up day, we did a very visible tree-bed remediation, removing raised soil, fixing the tree guard, watering and mulching. Since then four buildings have asked the Parks Department to fill their empty tree pits. Trees really do bring people together!"

Every neighborhood deserves a chance to breathe clean air, listen to the birds sing, and enjoy the shade on a hot summer day. On behalf of the Brooklyn Botanic Garden, I thank you for taking the time to consider this opportunity to make New York a greener, healthier place to live.

Sincerely,

Robin Simmen
Director of GreenBridge

cc: Scot Medbury, Sharon Myrie, Aaron Bouska

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Queens Civic Congress

CITY COUNCIL SUB-COMMITTEE ON ZONING

RE: YARD TEXT AMENDMENT; STREET TREE PLANTING AMENDMENT

April 15, 2008

The Queens Civic Congress is a borough-wide coalition of more than 100 neighborhood based civic groups representing tenants, homeowners, condo and co-op owners residing in every part of Queens.

Queens residents value streets with homes—even on narrow lots-- set back in landscaped yards. So, we have rued the loss of that open green space as property owners have increasingly paved over yards for parking and built oversized exterior staircases. The esthetic price of excessive paving is high; the environmental price of losing runoff in major rainstorms is potentially disastrous, especially in areas like south-east Queens where storm sewers are a promise, not a reality.

We applaud the Department of City Planning's proposed Yard Amendments, which will limit some of the most egregious construction in lower density residential districts. However, the Department did not go far enough. At least 80% landscaping should be required for lots in R-1, R-2 and R-2A districts and at least 60% for narrower lots. The maximum height of fencing should be three feet. As a matter of safety lower height limits should be required for corner lots and along property abutting community driveways.

Trees are Queens' glory; Queens civic groups have been major advocates of the Parks Department's forestry programs for years. We do, however, have reservations regarding the proposed street tree planting amendment. The proposed distance between trees is too great. The prevailing low-density housing configuration in Queens is one lot or twenty feet; trees should be spaced so each homeowner may have a tree in front of her home.

Asking a homeowner who enlarges his property to plant a tree is excessive, we think, especially when the tree reverts to city ownership. Asking a homeowner to plant a tree in front of someone else's home if there is no space in front of his is unreasonable.

We suggest that the Department rework the Tree Amendment to clarify what is unclear and to improve the requirements that seem unfair and burdensome.

Thank you.

Patricia Dolan may be reached at 718 268-5960 during business hours.

Environmental Defense Fund
April 15, 2008
City Planning Commission Hearing on Street Tree Zoning Text

Hello. My name is Andrew Hughes and I am a program associate from Environmental Defense. Today I am here to testify in support of the street tree zoning text change that will mandate street tree planting in New York City. It addresses one of the important steps necessary to maximize tree cover.

One of the many reasons New Yorker's consider their city to be the greatest urban center in the world is because of the foresight of city planners over 100 years ago who realized the importance of softening the built environment with parks and street tree planting. Not only does New York's greenery enhance our quality of life aesthetically and recreationally, but it also mitigates the city's environmental impact by reducing stormwater runoff, energy consumption and air pollutants.

According to a March 2007 report by the Center for Urban Forest Research entitled "City of New York, New York Municipal Forest Resource Analysis", it is possible to quantify both the environmental and financial benefits provided by New York City street trees. Some of the results highlighted in the report for the fiscal year 2005 are:

- Street trees' ability to moderate climate and reduce energy use is substantial and currently results in total energy cost savings of \$27.8 million or \$47.63 per tree.
- Citywide, annual carbon dioxide sequestration and emission reductions due to energy savings by public trees is valued at \$754,947 or \$1.29 per tree
- Net annual air pollutants removed, released and avoided are valued at \$5.27 million or \$9.02 per tree. And ozone and particulate matter, the most significant pollutants intercepted by trees have an implied value of \$1.2 and \$1.0 million respectively. It's important to note also that in the absence of the cooling effect of trees, higher temperatures contribute to the formation of ozone.
- New York City's street trees intercept rain, reducing stormwater runoff with an estimated value of \$35.6 million. The average tree intercepts 1432 gallons of stormwater each year, valued at \$61 per tree.

Clearly, maintaining and expanding the number of New York City's street trees is good environmental and economic public policy. Trees are not static and to simply maintain the status quo requires a commitment of resources capable of insuring the continued planting of new and diverse trees and plants as many of our most vibrant street trees reach the end of their natural lifespan or are threatened by infestation.

The City's current proposal to modify the zoning text to support planting of trees is an important step in making New York a more environmentally healthy place to live and work. In addition to this change we believe that the City needs an interagency strategy to review all agency actions for possible incentives and changes to foster more greening. Possibilities include:

1. Maximizing tree plantings on sidewalks and public spaces. It is our understanding that the communities with the most available space for the expansion of plantings include the communities with the highest asthma rates. The City should focus on these areas.
2. Expand a green roofs program both through leadership on city buildings and schools and also through zoning and other incentives such as water rates.
3. Encourage a wide range of "street greening," to include not just trees, but also plants of many different sizes and species.

As New York City plans for the development of housing and infrastructure to accommodate one million more people by 2030, it must also commit to proven methods of mitigating some of the negative impacts of that growth and development. This proposed zoning text change mandating planting of street trees is one of these methods.

CIVITAS

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April 15, 2008

Hon. Tony Avella
Chair, Zoning & Franchises Subcommittee/ Land Use Committee
New York City Council
City Hall
New York, NY 10007

Re: Proposed Text Amendments to Zoning Resolution
- Tree Planting; and, Yards

Dear Chairman Avella:

CIVITAS Citizens, Inc. (CIVITAS) strongly supports the proposed text amendments to the Zoning Resolution. These amendments are needed to implement and give force to the Mayor's highly praised and much needed program for the planting of one million trees over the next 25 years.

CIVITAS is a volunteer, community organization concerned with urban planning issues and neighborhood life in Manhattan's Upper East Side and in East Harlem. CIVITAS has commissioned studies in the past that focused on the essential role played by residential rear yards and the trees planted there in trapping air pollutants and improving the quality of life for all, not just the individual property owner. In recent years CIVITAS has worked with the Parks Department to plant trees and put in tree guards along East 86th Street, Yorkville's busy commercial thoroughfare.

The Street Planting Text Amendment provides a reasonable and well thought out framework to coordinate residential development and the planting of additional trees. The expense required for compliance is relatively small, considering the high cost of bricks and mortar and the environmental benefits realized by the property owner and her neighbors.

Likewise, the Yards Text Amendment addresses many abuses of the current system and some unusual situations that the existing text fails to take into account. The front and rear yards provided for by the Zoning Resolution are

Voice: 212-996-0745

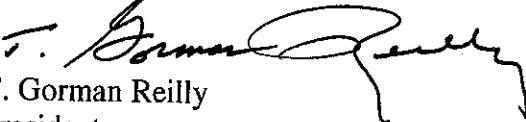
Fax: 212-289-4291

civitascitizens@yahoo.com
www.civitasnyc.org

meant to encourage trees and other plantings that keep down air pollution, provide needed shade and improve the appearance of the streetscape. Another critical goal is to provide sufficient ground absorption for rainstorms to avoid overloading the City's combined sewer system. None of these goals can be achieved if front and rear yards are paved over to provide parking spaces.

Thank you for taking into account our comments on these two text amendments.

Respectfully,


T. Gorman Reilly
President



**City Council Zoning and Franchises Subcommittee Hearing
Street Trees Zoning Text
April 15, 2008**

My name is Sheelah Feinberg and I am Director of Government and Community Affairs at New Yorkers for Parks. Thank you for this opportunity to testify today. New Yorkers for Parks is the only independent watchdog for all the city's parks, beaches and playgrounds. For nearly 100 years, we have worked to ensure greener, safer, cleaner parks for all New Yorkers.

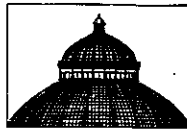
We would like to commend the City Planning Commission and the Parks Department for putting forth the three green zoning amendments, with particular focus today on the creation of uniform street tree planting regulations for all new developments.

This initiative recognizes the importance of trees and natural surfaces that not only enhance the streetscape, but also improve air quality, reduce the urban heat island effect, manage stormwater, and promote an overall enhanced quality of life. Requiring developers to install these amenities citywide is critical to balancing the impacts of rapid development and sustaining healthy neighborhoods.

We laud the administration for recognizing both the need for more trees and committing funding as part of PlaNYC to ensure regular pruning of these trees to keep them healthy. We will continue to participate in the Million Trees NYC initiative and encourage the city to fund the installation of tree guards to ensure that new plantings made possible with this innovative zoning text have the best chance at survival.

New Yorkers for Parks supports these important zoning amendments and their vigorous enforcement upon implementation.

Thank you.



THE NEW YORK BOTANICAL GARDEN FOR THE RECORD

The Honorable Tony Avella
Chair, the Subcommittee on Zoning & Franchises
The New York City Council
250 Broadway
17th Floor
New York, NY 10007

14 April 2008

Dear Chairperson Avella:

I am writing in support of the proposed Street Trees Zoning Text Amendment requiring the planting of street trees for new developments and significant enlargements.

Trees greatly enhance the environment in many ways. They produce oxygen and remove carbon dioxide and other pollutants from the air. They provide welcome shade and cool the air around them through the process of transpiration. Their roots absorb and filter storm water. Research performed by the U.S. Forest Service estimates that the ecosystem services trees provide are worth nearly \$70 million to New York City each year.

In addition to their many environmental benefits, urban trees also enhance the quality of life in cities through their beauty. The U.S. Forest Services estimates that urban trees increase property values in the city by nearly \$52 million annually. In addition to increasing property values, numerous studies have shown that neighborhoods with street trees have lower crime rates than those devoid of trees.

While the environmental and social benefits trees provide have been well-documented, they also provide other benefits that are difficult to quantify but essential nonetheless. Urban trees provide many New Yorkers with their most regular and intimate connection to nature. The softness of trees provides a welcome contrast to a city dominated by asphalt, concrete, glass, and steel.

The planting of street trees is an investment in the future of New York and the health and well-being of all New Yorkers. The proposed amendment will guarantee that New Yorkers for generations to come receive all the benefits urban trees provide. Thank you so much for your leadership on this critical matter.

Sincerely,

Todd Forrest
Vice President for Horticulture
and Living Collections
The New York Botanical Garden

Monday April 14, 2008

FOR THE RECORD

City Council Members,

As a representative of the American Society of Landscape Architects New York City Chapter, I would like to emphasize the availability of professional support for developers, contractors, institutions, and private land owners in the selection and planting of trees to meet the new standards and contribute to the MillionTreesNYC goal. We have nearly five hundred members whose competency and expertise is unparalleled. Landscape Architects fully support every aspect of this program.

Sincerely,

Jane Simoni Cooke, ASLA

TESTIMONY OF

DANIEL MUNDY

JAMAICA BAY ECOWATCHERS

NEW YORK CITY COUNCIL
SUBCOMMITTEE ON ZONING AND FRANCHISES
APRIL 15, 2008

FOR THE RECORD

NYC DEPARTMENT OF CITY PLANNING STREET TREES TEXT AMENDMENT

GOOD MORNING CHAIRMAN AND MEMBERS OF THE COMMITTEE.

MY NAME IS DANIEL MUNDY AND I AM THE FOUNDER OF THE JAMAICA BAY ECOWATCHERS, AN ENVIRONMENTAL GROUP WHOSE MISSION IS TO PROTECT, ENHANCE, AND RESTORE THE FRAGILE ECOSYSTEM OF JAMAICA BAY. I AM ALSO A CO-CHAIR OF THE JAMAICA BAY TASK FORCE, A MEMBER OF THE JAMAICA BAY WATERSHED PROTECTION PLAN ADVISORY COMMITTEE (JBWPPAC), HEP CAC, GREEN HARBOR TASK FORCE, NYC DEP CAC POLLUTION COMMITTEE, AND ENVIRONMENTAL CHAIR PERSON OF COMMUNITY BOARD # 14.

WE SUPPORT THE STREET TREES ZONING TEXT AMENDMENT. THIS CONCEPT WAS AN IMPORTANT ELEMENT IN OUR RECOMMENDATIONS FROM THE JBWPPAC TO THE NYCDEP TO HELP CAPTURE STORM WATER, THUS REDUCING THIS RUNOFF INTO OUR POLLUTION PLANTS AND EVENTUALLY INTO JAMAICA BAY

STREET TREES ALSO PROVIDE SHADE WHICH HELPS TO REDUCE THE URBAN HEAT EFFECT IN OUR CITY.

TREES AND OTHER VEGETATION SUCH AS FOUND IN THE "GREENSTREETS PROGRAM" REDUCE CARBON DIOXIDE AND GIVE OFF OXYGEN AND IMPROVE THE OVERALL APPEARANCE OF FUTURE DEVELOPMENT AND ENHANCE THE EXISTING NEIGHBORHOODS.

THIS AMENDMENT HAS WON APPROVAL OF CB # 14 AND IS A "WIN-WIN" FOR ALL THE CITIZENS OF NEW YORK.

THANK YOU

YARDS TEXT AMENDMENT

Department of City Planning
Citywide Text Amendment
Certified September 17, 2007
CPC Approved March 24, 2008

GOALS AND OBJECTIVES

- Promote better site planning by ensuring that all residential developments are adequately served by sufficient yards and open space
- Require front yard landscaping to promote green and attractive streetscapes
- Help achieve PlaNYC goals by increasing open space and creating permeability requirements
- Address issues related to aesthetics and safety in front yards
- Extend benefits of certain Lower Density Growth Management Area regulations to all R1 through R5 Districts citywide.

FRONT YARD PLANTING

GOALS

Aesthetics

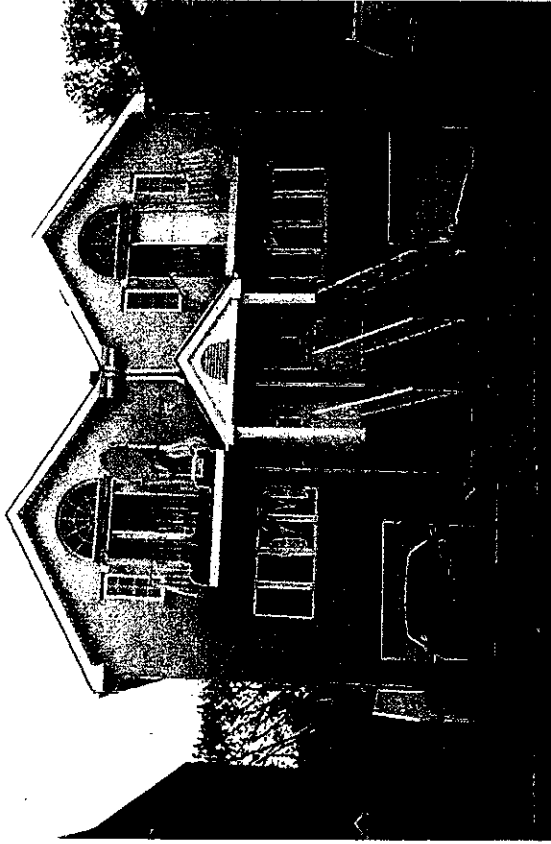
Create more attractive streetscape by introducing minimum planting requirements

Mitigate stormwater run-off

Permeable front yard surfaces absorb storm water that would otherwise drain to city sewer

Mitigate urban heat island effect

Plantings reduce surrounding temperatures



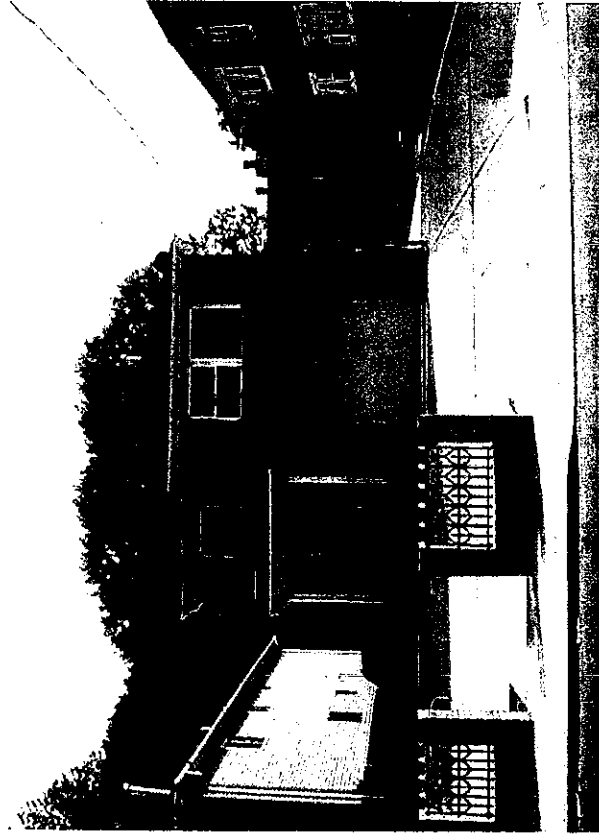
Existing



Proposed

FRONT YARD PLANTING

Existing Conditions (Detached Example)



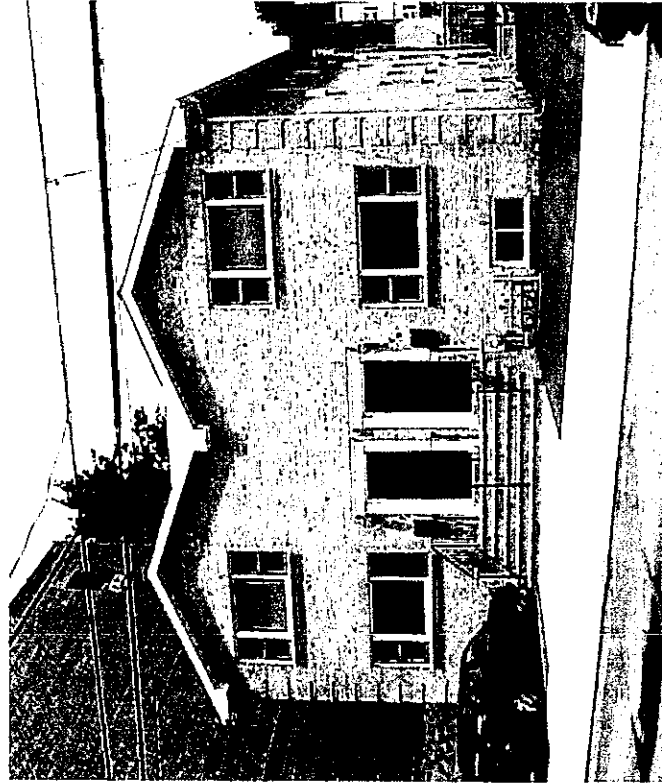
PAVED



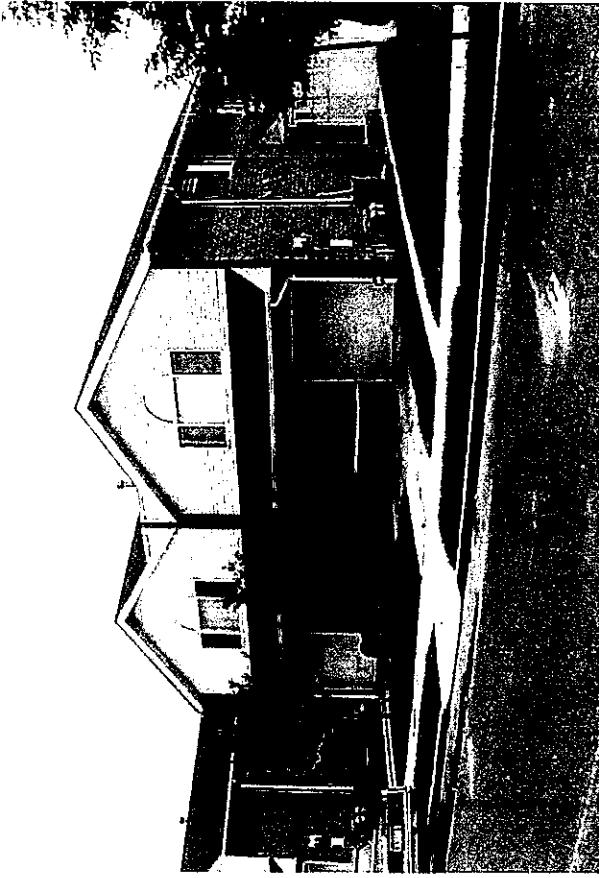
LANDSCAPED

FRONT YARD PLANTING

Existing Conditions (Semi-Detached Example)



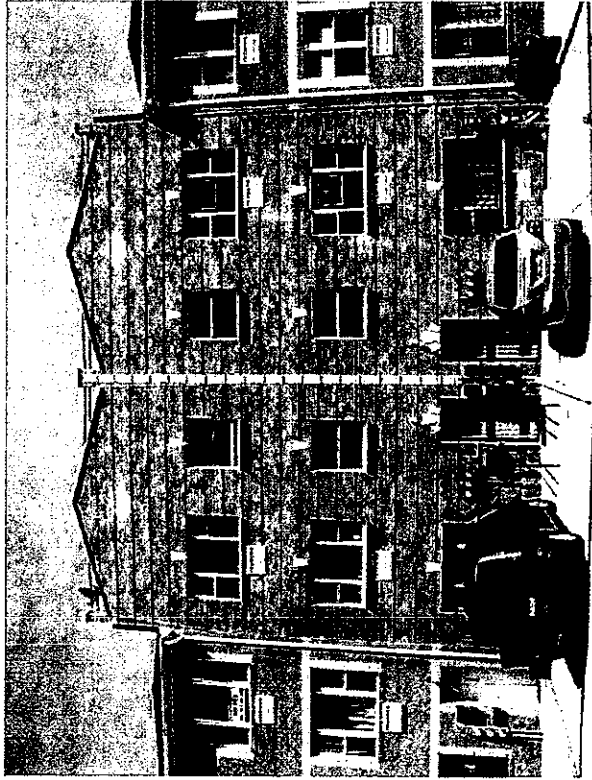
PAVED



LANDSCAPED

FRONT YARD PLANTING

Existing Conditions (Attached Example)



PAVED



LANDSCAPED

FRONT YARD PLANTING PROPOSAL

- All residential buildings in R1 – R5 districts
- Establish a planting requirement for a minimum percentage of the area of the zoning lot between the street line and the street wall of a building and its prolongation.

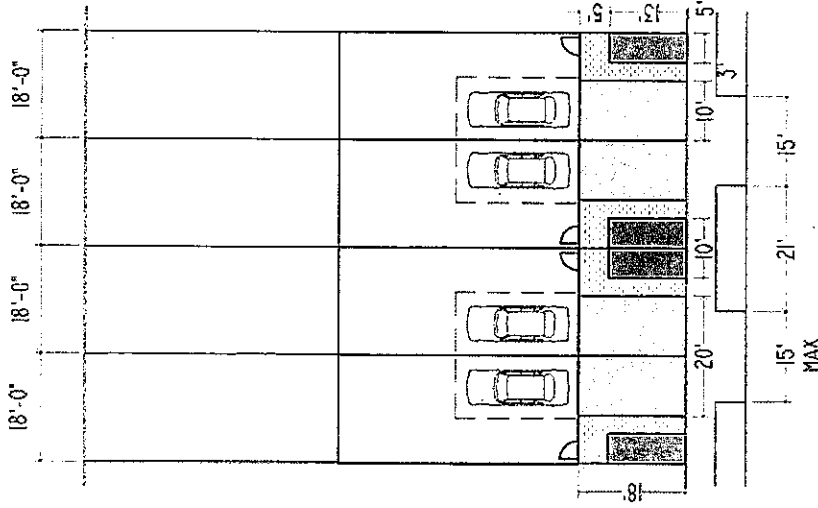
<u>Street Frontage</u>	<u>Percentage</u>
------------------------	-------------------

<20 feet	20%
20 - <35 feet	25%
35 - <60 feet	30%
60 or greater	50%

- On corner lots and through lots, the minimums would have to be met on each street frontage.
- For rowhouses on tax lots, the minimums would have to be met in front of each rowhouse.
- Planting would be defined as: “any combination of grass, groundcover, shrubs, trees or other living plant material”

ANALYSIS OF LOT WIDTHS

LESS THAN 20' WIDE

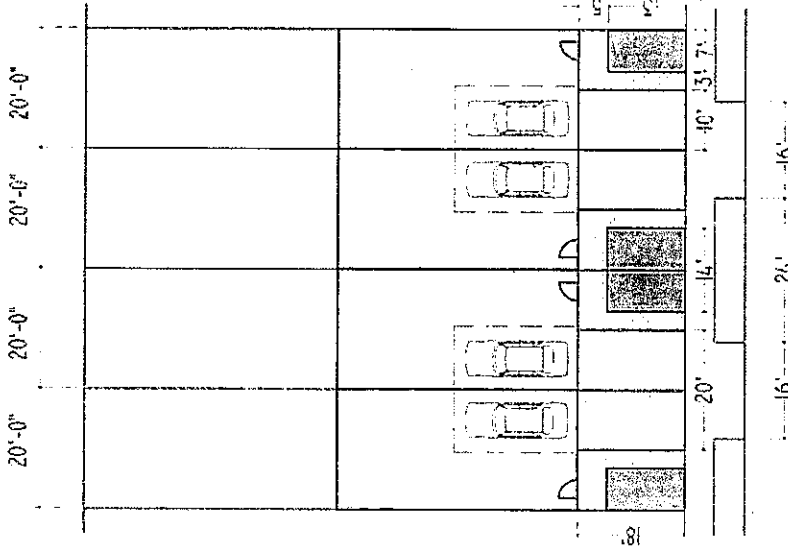


324 SF FRONT YARD
 Paved: 259 SF (80%)
 Planted: 65 SF (20%)

PROPOSAL:

20% minimum planting requirement

20' TO LESS THAN 35' WIDE



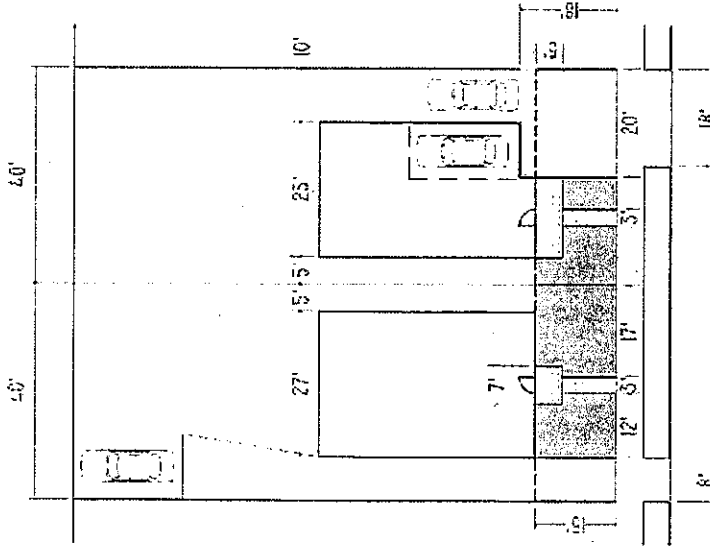
360 SF FRONT YARD
 Paved: 269 SF (75%)
 Planted: 91 SF (25%)

PROPOSAL:

25% minimum planting requirement

ANALYSIS OF LOT WIDTHS

35' TO LESS THAN 60'

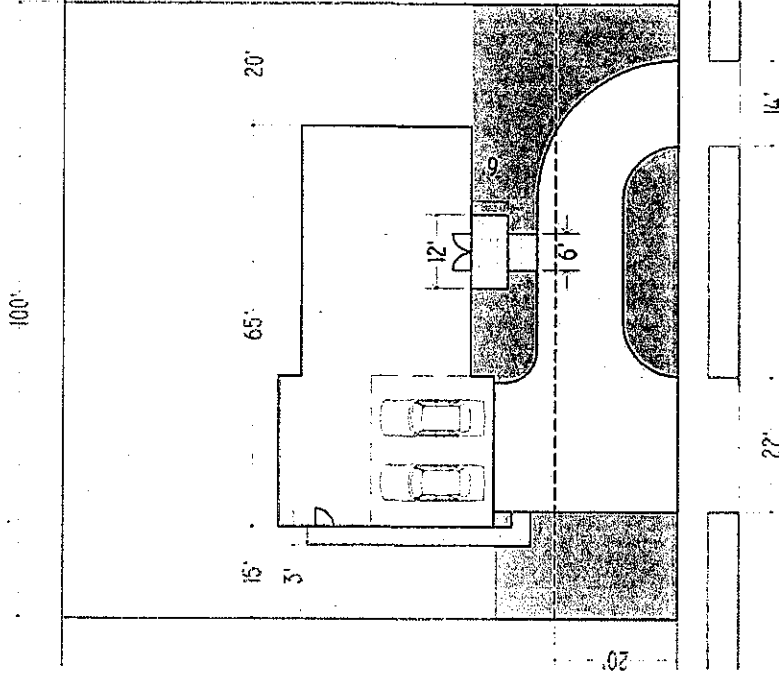


600 SF FRONT YARD
 Paved: 185 SF (31%)
 Planted: 415 SF (69%)

PROPOSAL:

30% minimum planting requirement

60' OR GREATER



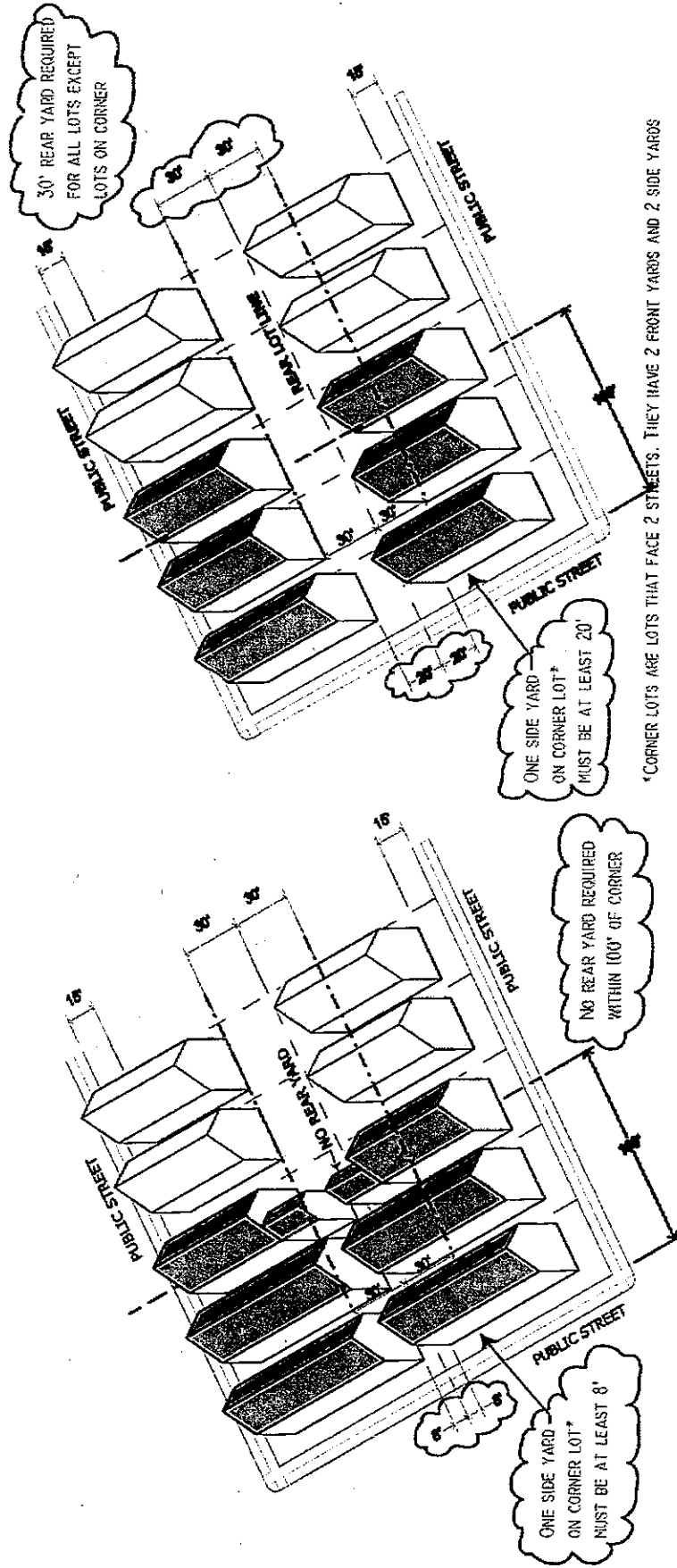
3,227 SF FRONT YARD
 Paved: 1,553 SF (48%)
 Planted: 1,674 SF (52%)

PROPOSAL:

50% minimum planting requirement

Apply Certain LDGMA Rules to all R1-R5 Districts Citywide

Rear & Side Yards on Zoning Lots

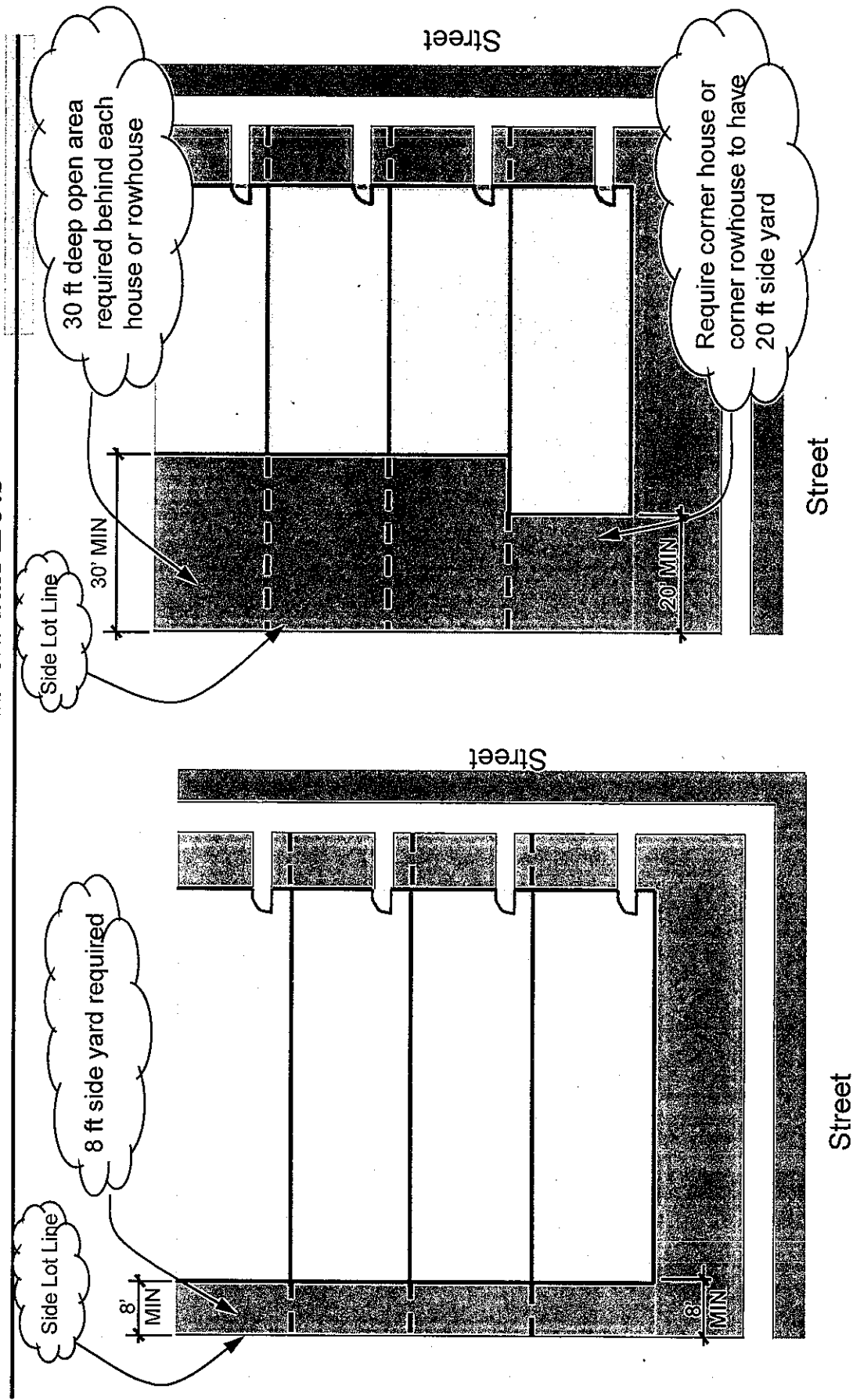


EXISTING REQUIREMENTS

PROPOSED REQUIREMENTS

Apply Certain LDGMA Rules to all R1-R5 Districts Citywide

Rear Yards on Tax Lots

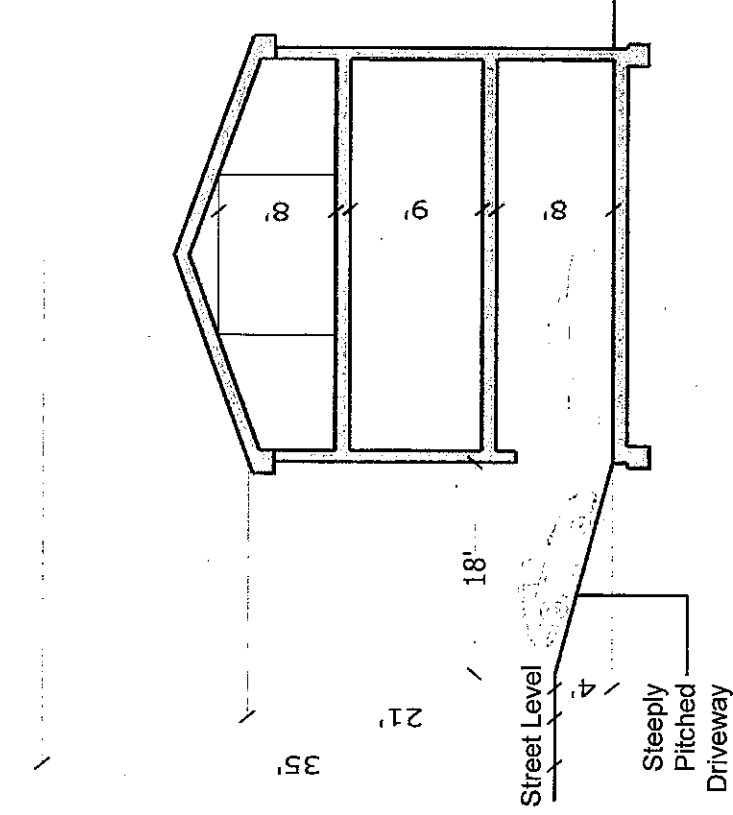


EXISTING

PROPOSED

Apply Certain LDGMA Rules to all R1-R5 Districts Citywide

Driveway Slope



Existing:

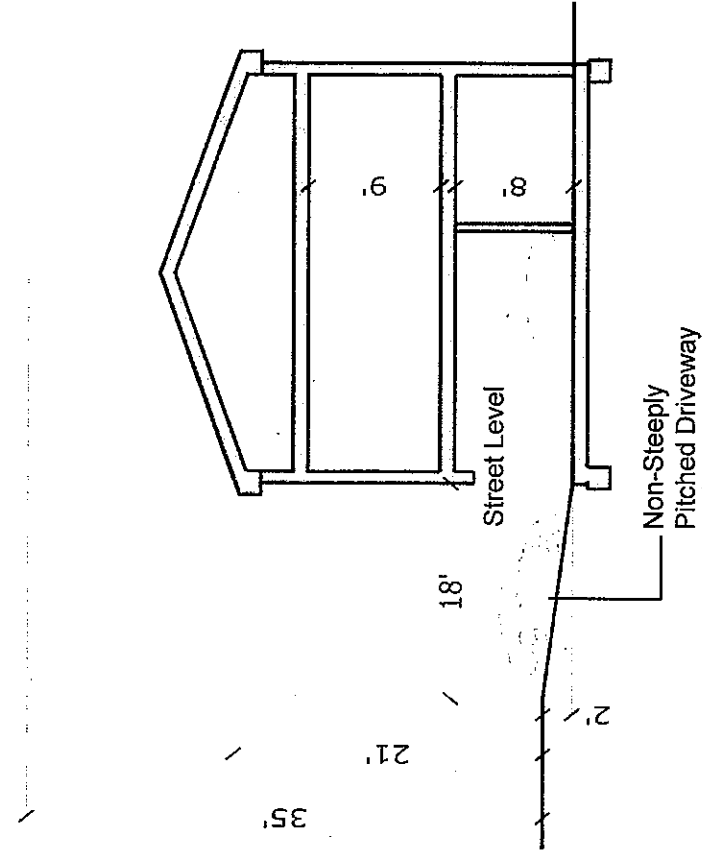
No limit on driveway slope

This creates:

- Visibility and Maneuverability issues
- Parking space less likely to be used because of difficulty to access

Apply Certain LDGMA Rules to all R1-R5 Districts Citywide

Driveway Slope



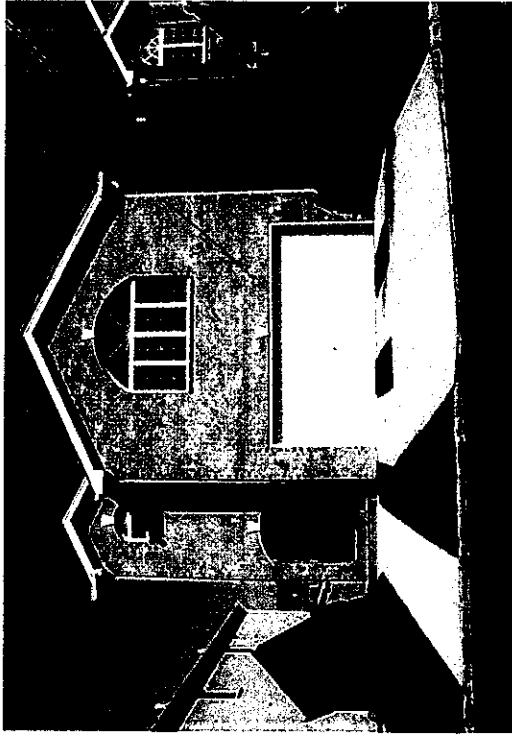
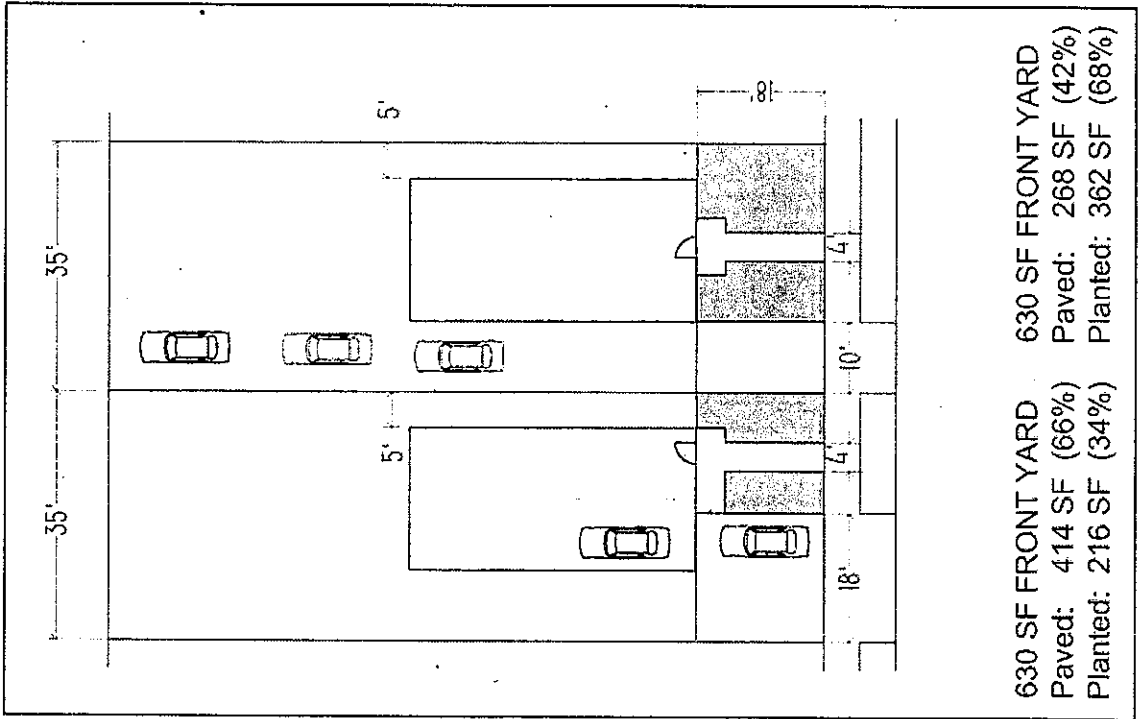
Proposed:
Limit driveway slope to 11%

ENCOURAGE REAR YARD GARAGES



- Long driveways provide ample off-street parking
- Driveways along side lot line maximize front yard planting
- Extend existing floor area bonus for rear yard garages from R3-2, R4, and R5 non-contextual districts to all R3, R4, and R5 districts
- Increase floor area bonus from 100 square feet to up to 300 square feet

ENCOURAGE REAR YARD GARAGES

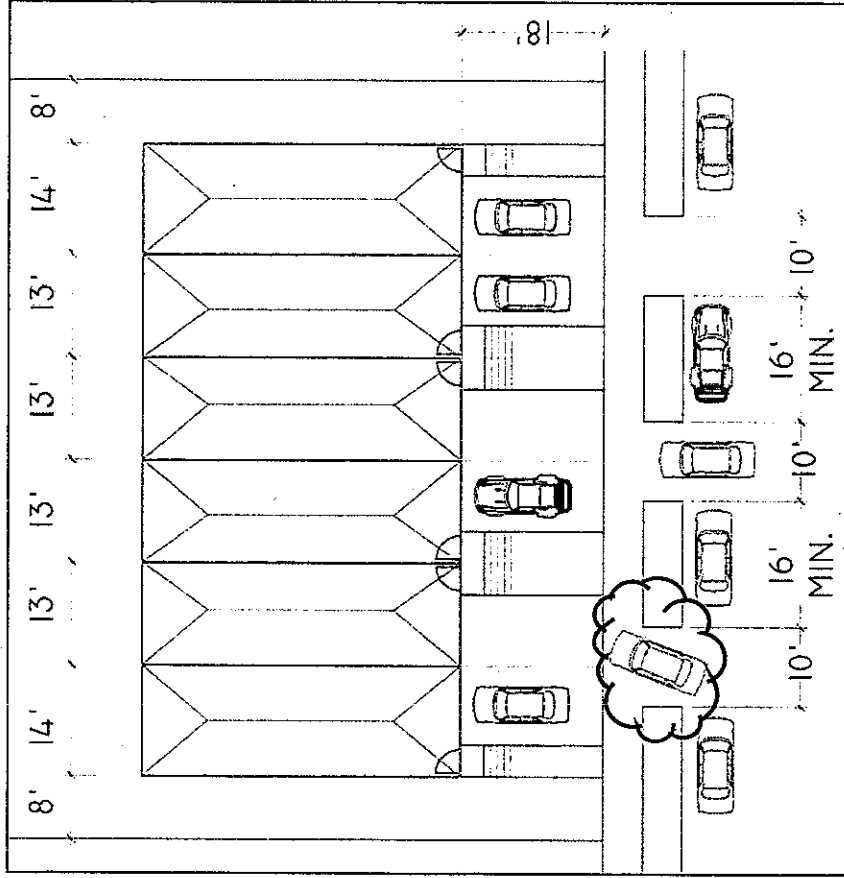


Minimum ability to plant front yard



Maximum ability to plant front yard

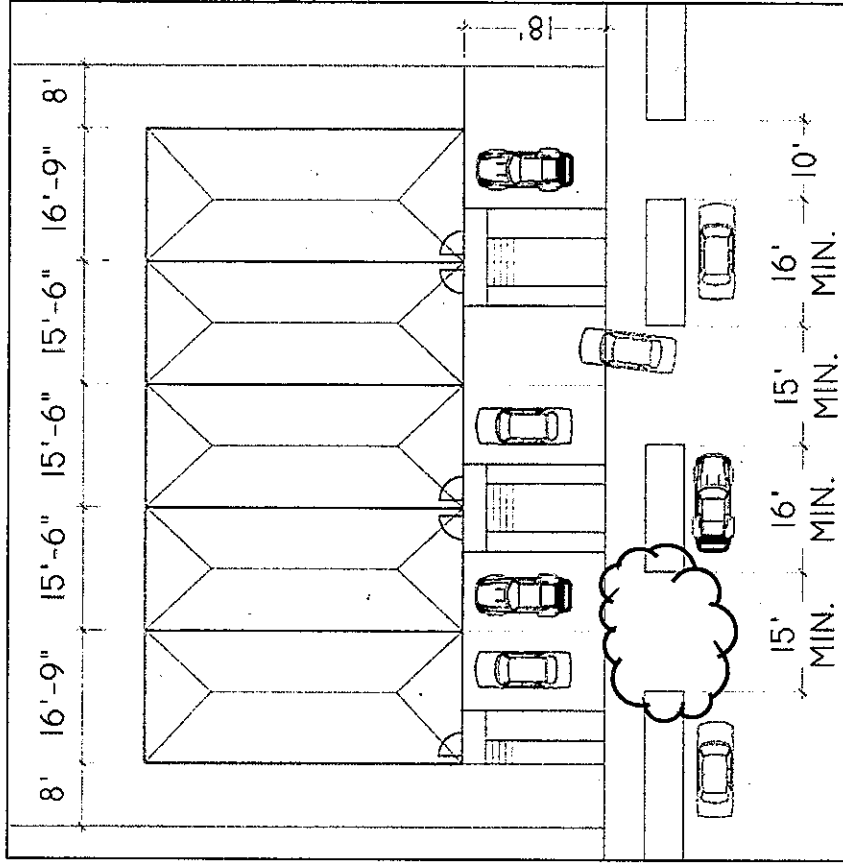
CURB CUT WIDTH FOR PAIRED DRIVEWAYS



Existing: No Minimum width of curb-cut (Maximum 15').

Results in driveways that are difficult to access

Results in lot widths that are too narrow to accommodate the new planting requirements

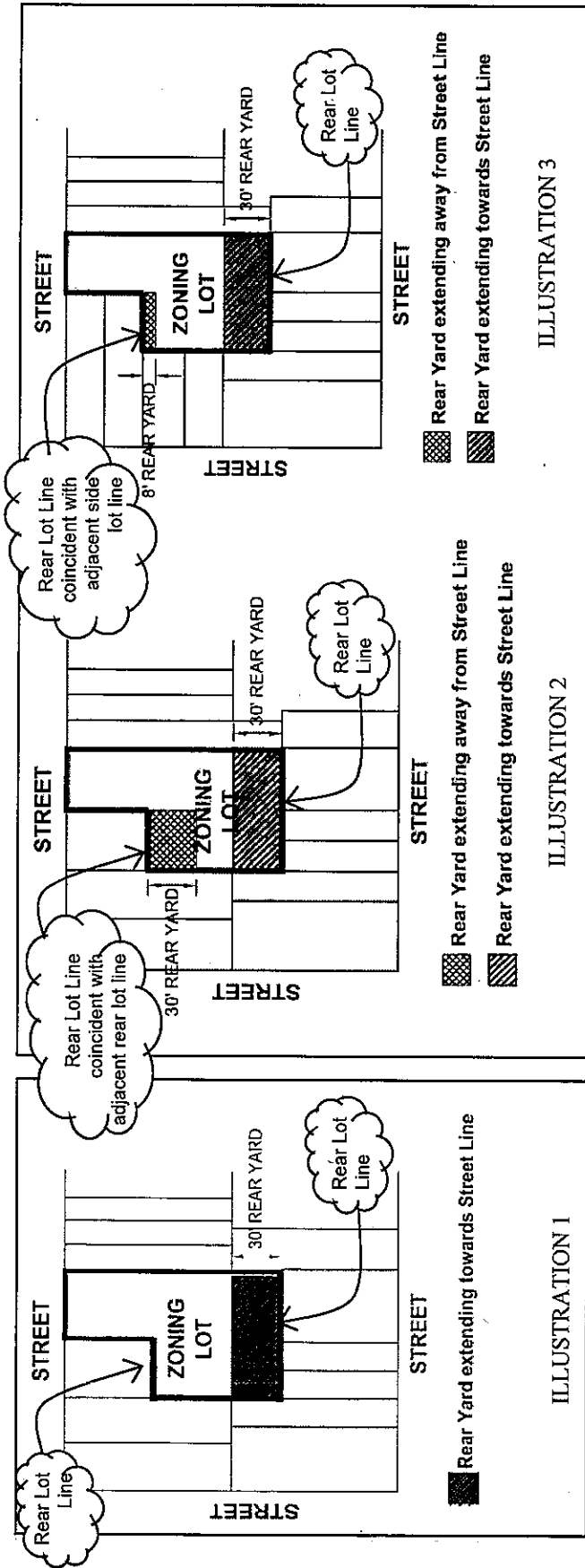


Proposed: Minimum width 15' (Maximum 18')

Assures adequate access to parking spaces.

This reflects the original intention of the C_{16} CPC when it adopted Lower Density Contextual Zoning in 1989

REAR YARDS ON ZONING LOTS WITH MULTIPLE REAR LOT LINES

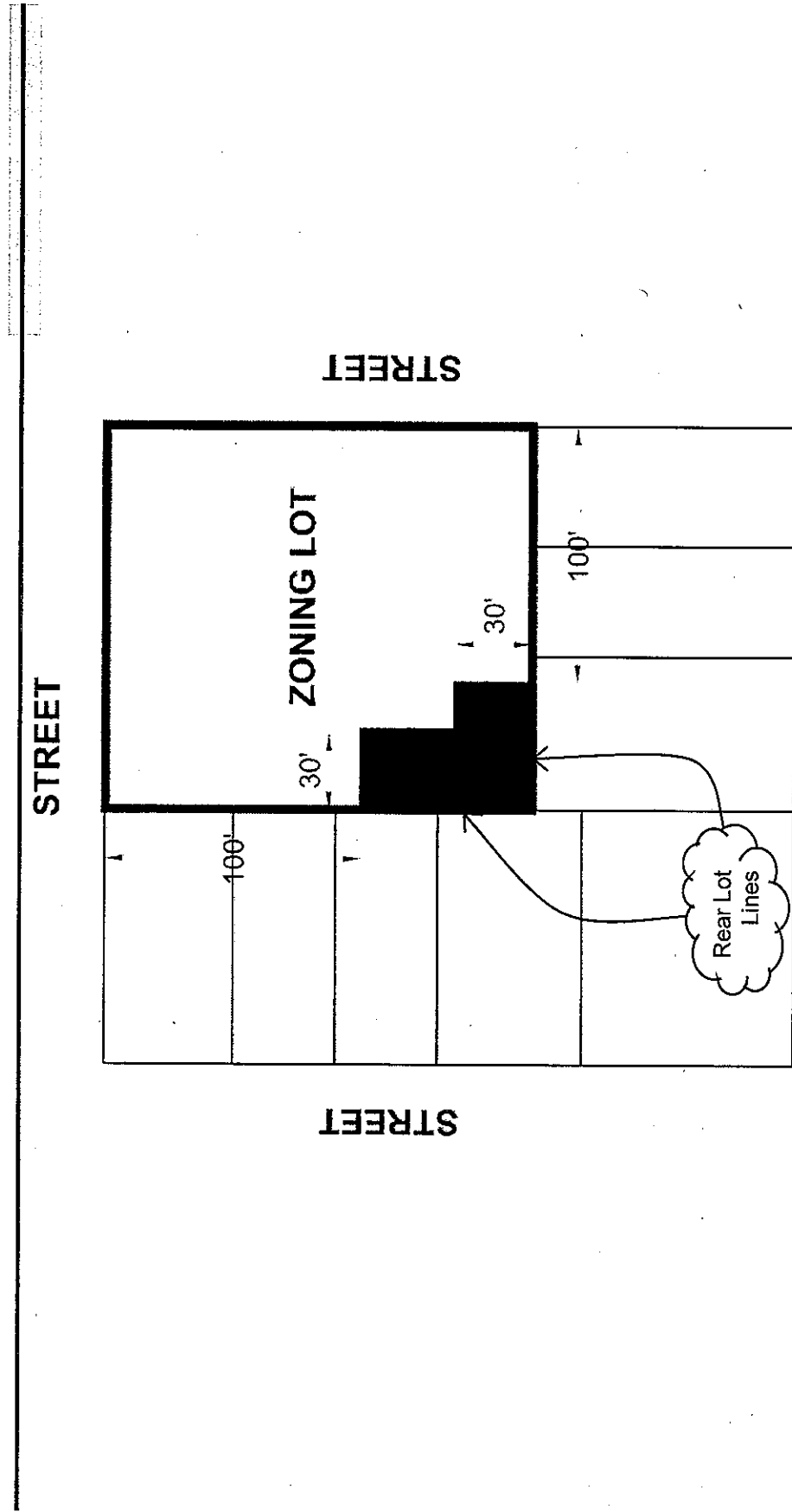


EXISTING

PROPOSED

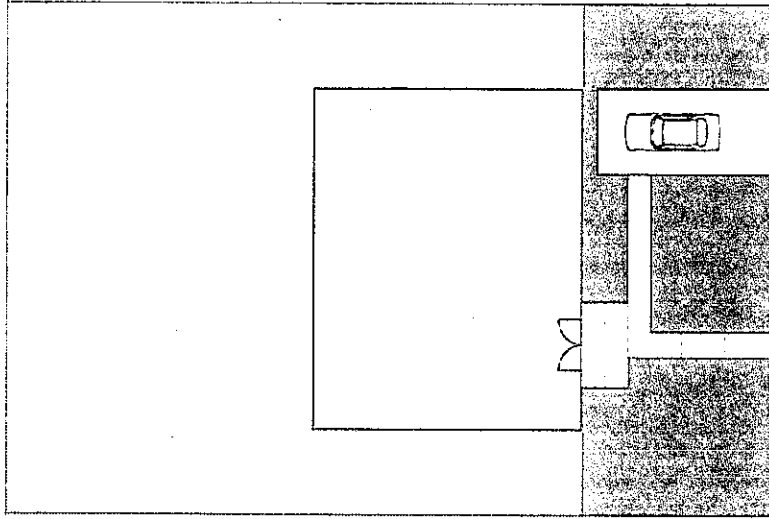
- Existing rules are ambiguous and the BSA has ruled that only one rear yard is required on a zoning lot. (East 83rd Street BSA ruling)
- Text amendment will clarify rules for zoning lots with multiple rear lot lines

REAR YARDS ON LARGE CORNER LOTS



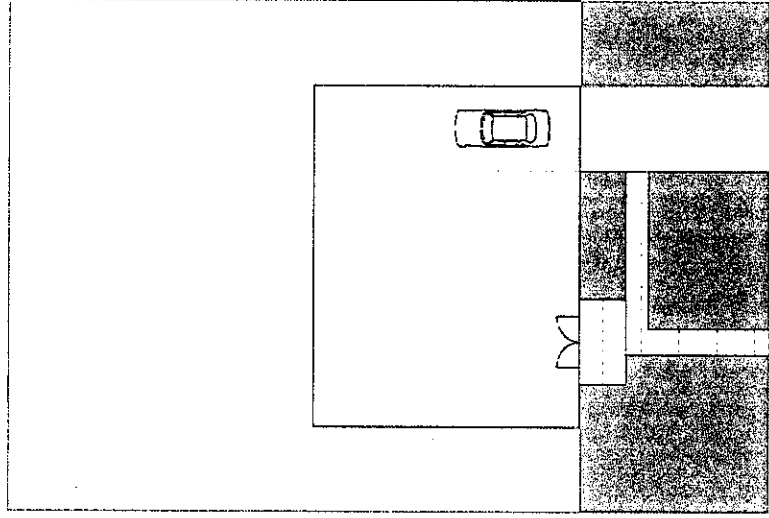
- Existing rules are ambiguous in regards to yards required on corner lots beyond 100 feet of a street line
- Text amendment will clarify rear yard rules for large corner lots

PROHIBIT REQUIRED PARKING IN FRONT YARDS IN R1 & R2 DISTRICTS



EXISTING

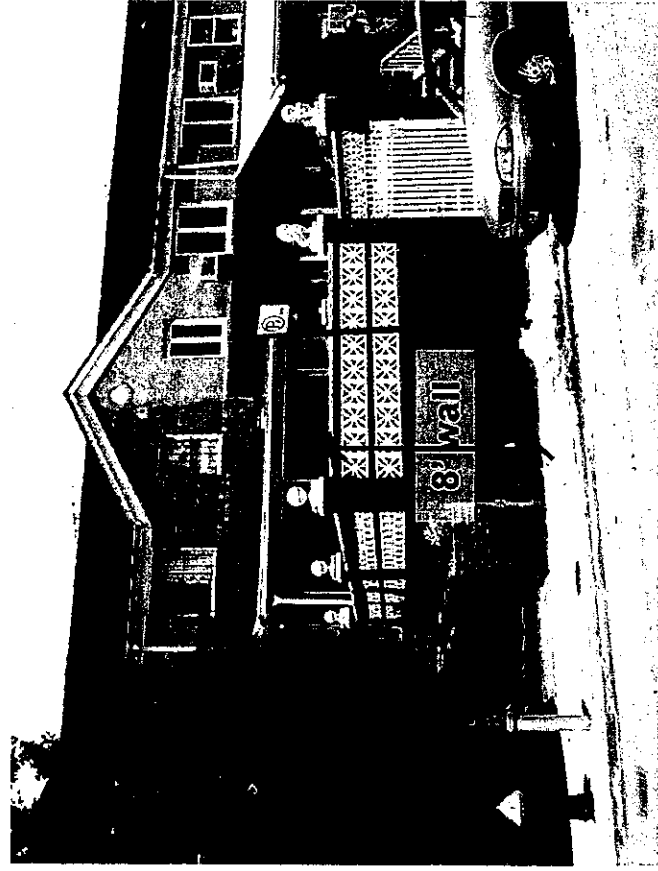
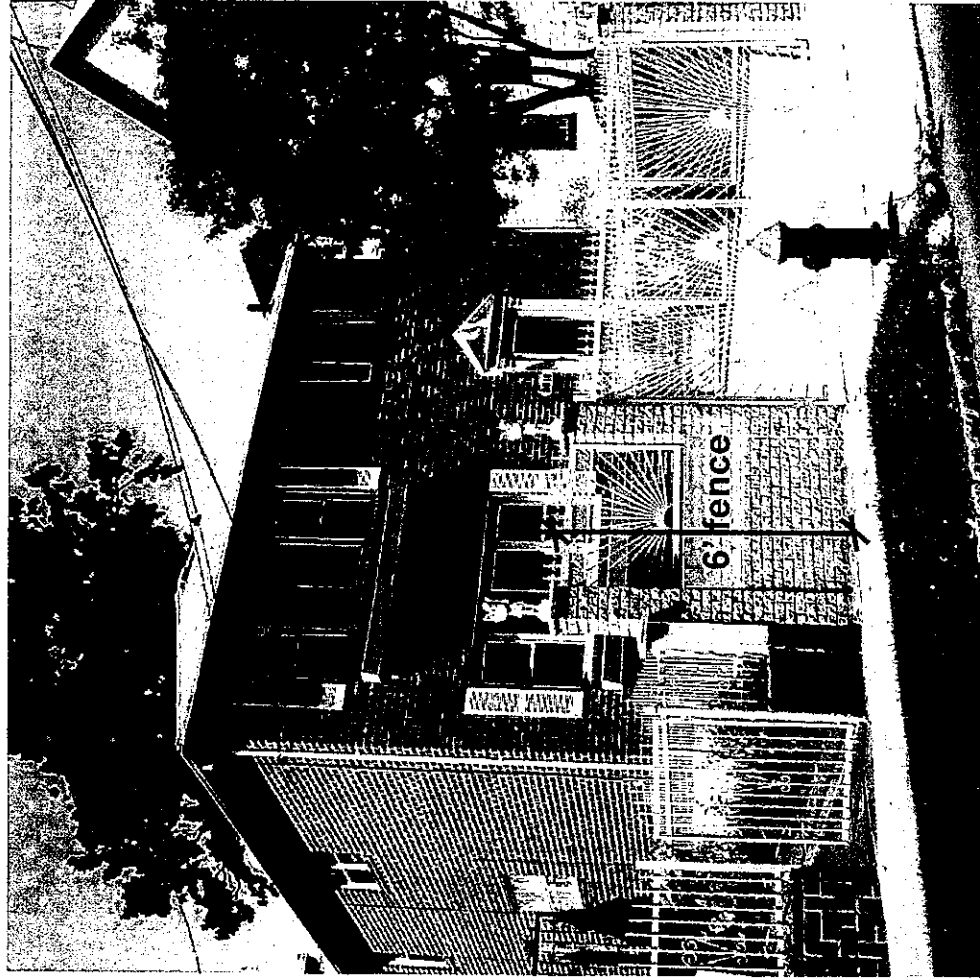
Required parking space can be in the front yard



PROPOSED

Required parking space must be located within a building or beyond the prolongation of the front wall of the building

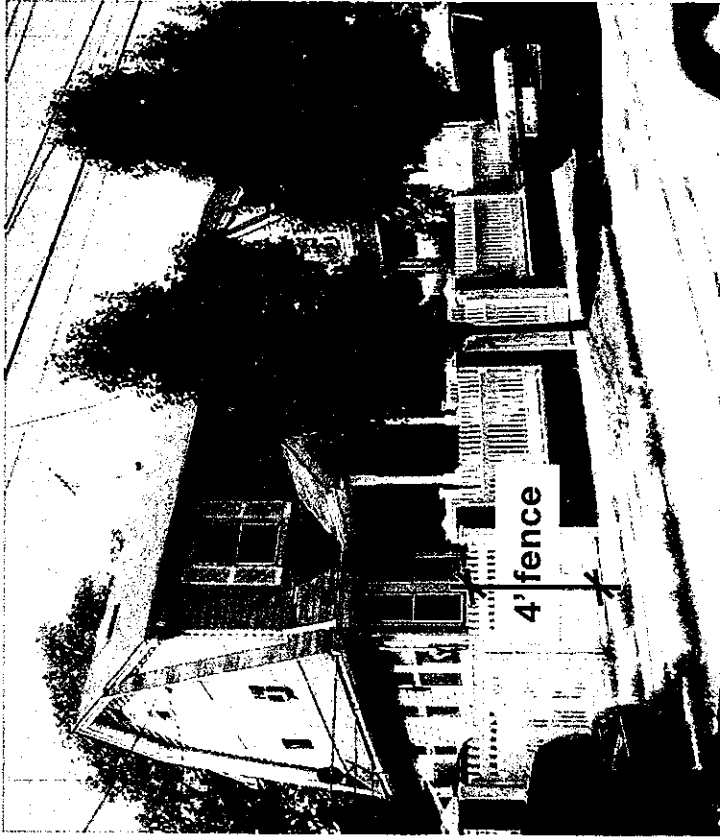
PERMITTED OBSTRUCTIONS IN FRONT YARDS FENCES and WALLS



EXISTING:

Fences and walls not exceeding
8 feet in height are permitted in
front yards

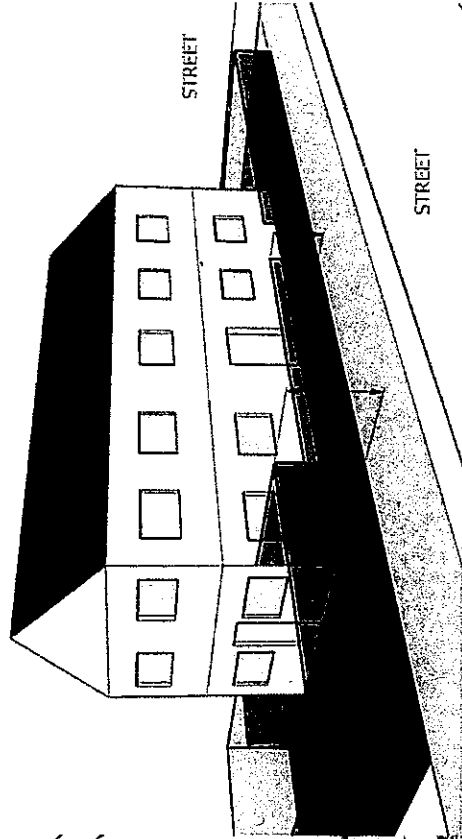
PERMITTED OBSTRUCTIONS IN FRONT YARDS FENCES and WALLS



PROPOSED:

Fences and walls would be limited to 4 feet in height in front yards

PERMITTED OBSTRUCTIONS IN FRONT YARDS FENCES and WALLS

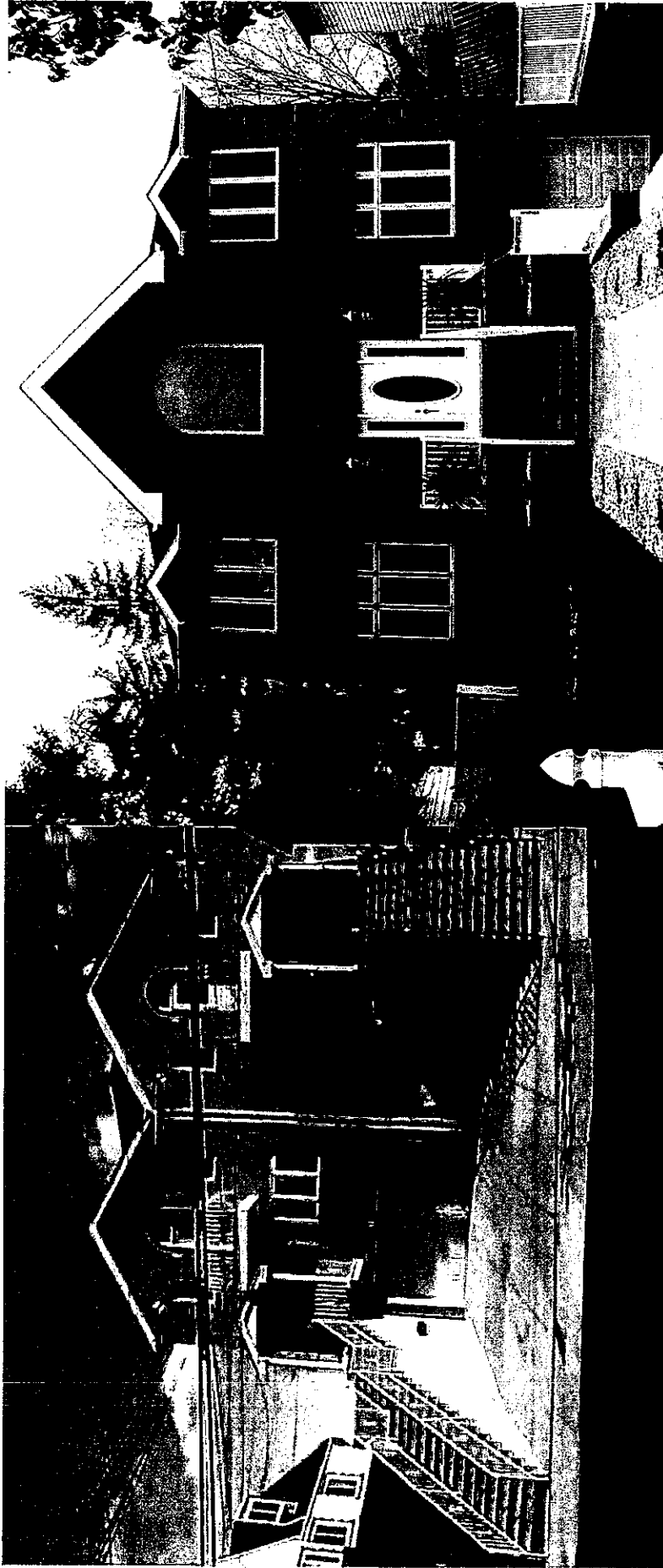


PROPOSED:

For corner lots, a fence or wall may be up to six feet in height within the portion of the front yard that is not between the street wall of the building and the street line

PERMITTED OBSTRUCTIONS IN FRONT YARDS

STEPS



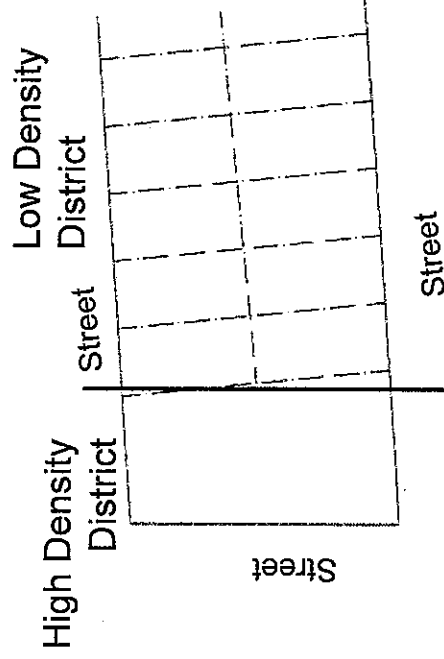
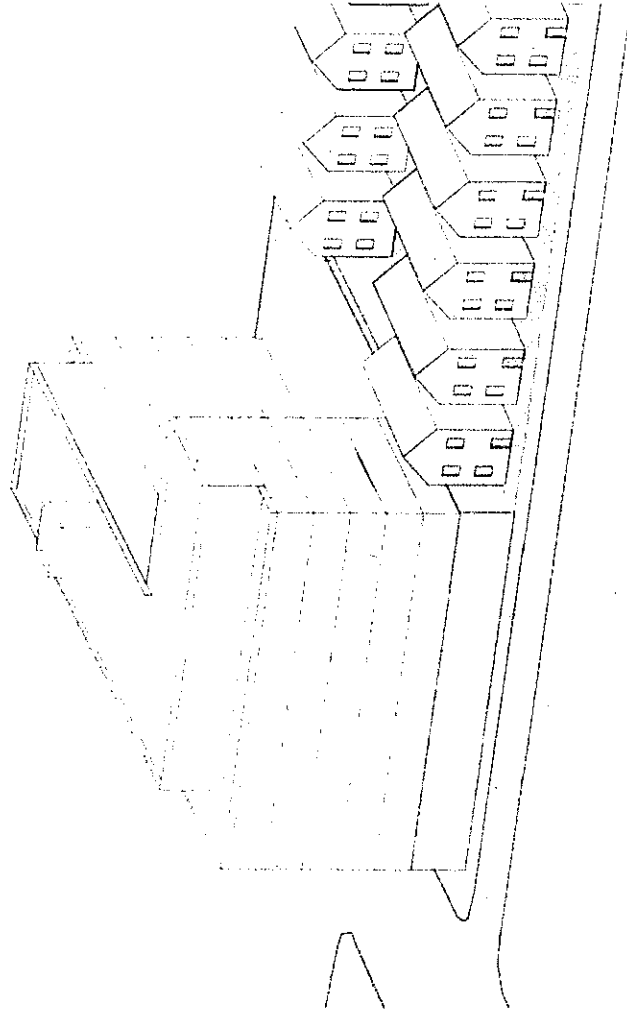
EXISTING:

No limit on the height of steps in a front yard

PROPOSED:

Limit the height of steps in front yards to only access the first story or first story above a basement

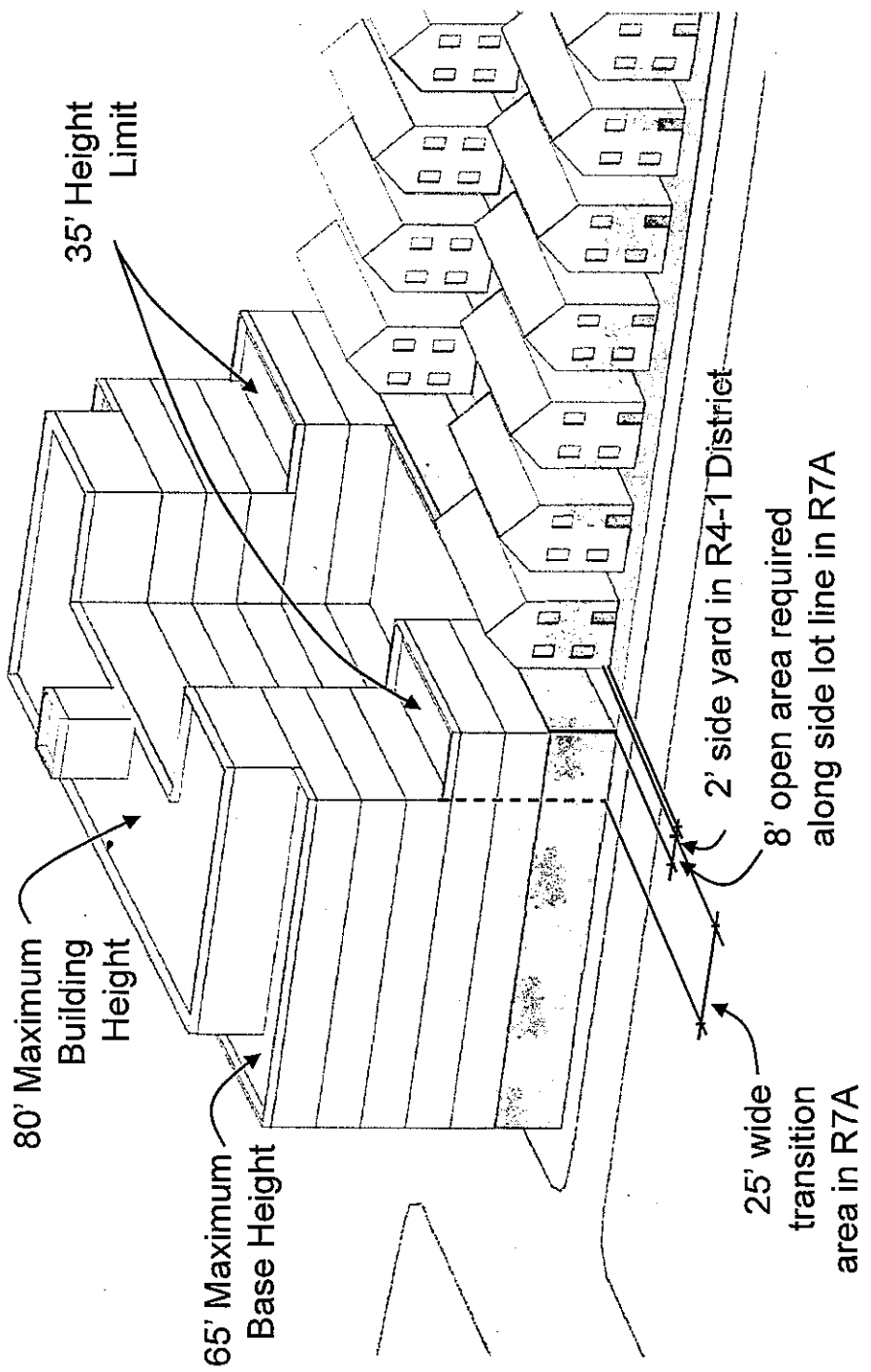
TRANSITION RULE (R7A / R4-1 EXAMPLE)



EXISTING:

Transition rule does not apply if district boundary is not coincident with zoning lot lines

TRANSITION RULE (R7A / R4-1 EXAMPLE)

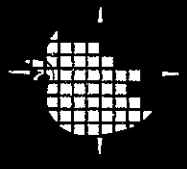


PROPOSED:

Make transition rule applicable to any development in a high density district that is adjacent to a zoning lot in a low density district ²⁵



ZONING REQUIREMENTS FOR STREET TREES AND SIDEWALK PLANTING STRIPS



NYC Department of City Planning

03.24.08

A black and white photograph of a tree-lined street. The trees are dense and their shadows are cast on the road. A car is parked on the side of the road. The overall scene is a quiet, urban street with mature trees.

Street Trees and Planting Strips

Environmental Benefits

- Reduce 'Urban Heat Island Effect'
- Remove air pollutants
- Mitigate storm water runoff

Aesthetic Benefits

- Shade sidewalks and buildings
- Improve neighborhood streetscape

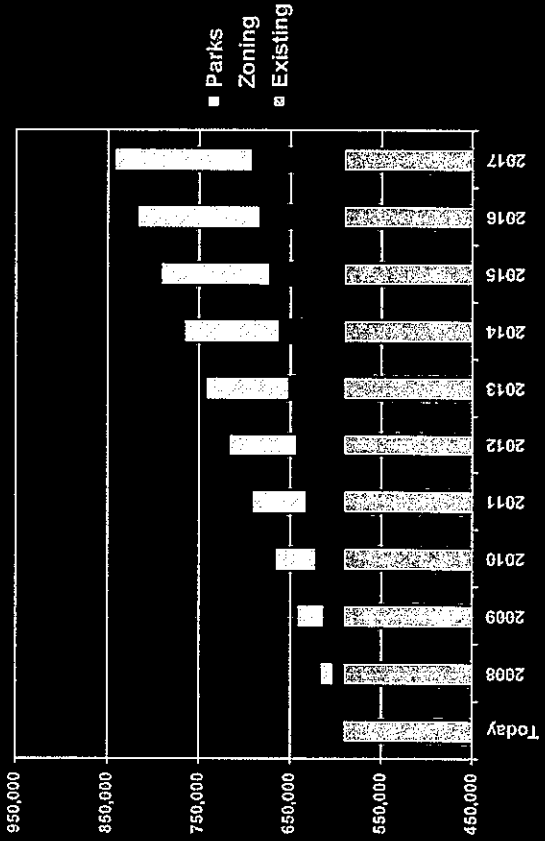
Safety Benefits

- Reduce glare
- Separate pedestrians from vehicles



PlANYC GOALS

- Plant 22,000 street trees a year
- Plant one million trees by 2017
- Reforest 2,000 acres of parkland



Our Proposal:

- 10,000 street trees required per year; that's 100,000 by 2017.

Street Trees today:

- Street trees are 75% stocked today; 220,000 street trees needed.
- NYC has 590,000 street trees; 90% are in good or excellent condition.



TODAY

Street Trees & Sidewalk Planting Strips

**Street trees are property of the Department of Parks and Recreation (DPR).
Sidewalk construction is permitted by Department of Transportation (DOT) .**

The Department of Buildings (DOB) approves the Builder's Pavement Plan (BPP).

DPR issues permits for street tree planting as reflected in BPP.

DOT standard for sidewalks: minimum paved width 5 feet.

STREET TREES TODAY

Current Zoning Regulations

Today, street trees are generally not required by zoning.

Zoning does require street tree planting in:

- Quality Housing developments.
- Lower Density Growth Management areas.
- Seventeen special districts.

TODAY

No Trees Required



PROPOSED ZONING TEXT

Street Trees Required

Street Trees in Tree Pits - or - Street Trees in Planned Strips

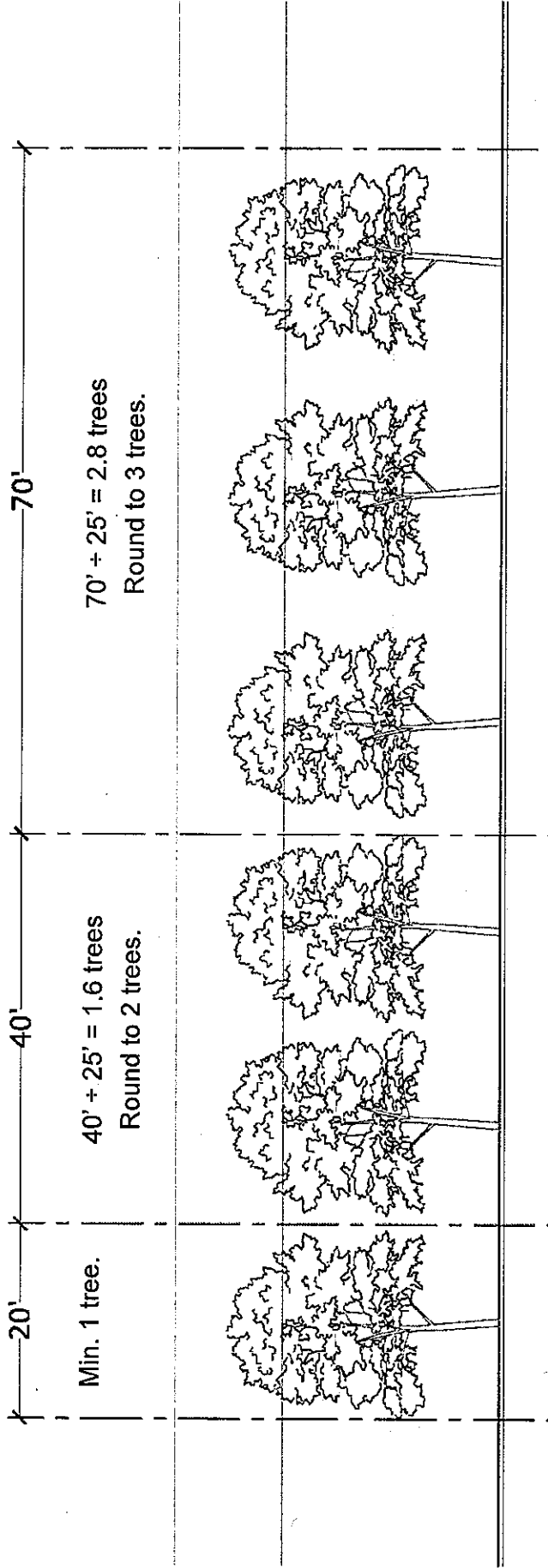


ZONING PROPOSAL: Required Trees

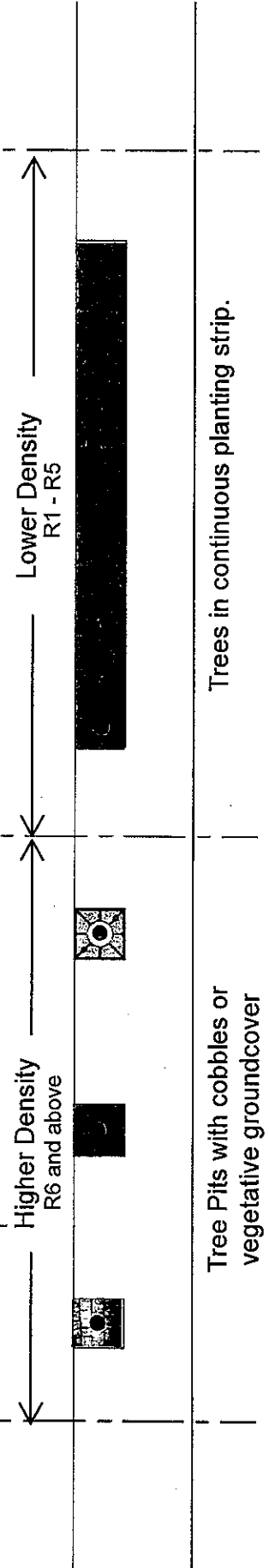
Street Tree Requirement based on Lot Frontage [All Districts]

One tree planted for every 25 feet of street frontage; minimum requirement of one street tree.

Tree spacing would be flexible to allow for maximum street trees.



Planting Requirements



ZONING PROPOSAL

Requirements by District



HIGHER DENSITY RESIDENTIAL DISTRICTS (R6 +) COMMERCIAL & MANUFACTURING DISTRICTS

Street trees in tree pits

One street tree for every 25 feet of frontage.

Minimum of one street tree.

Existing street trees count.



LOWER DENSITY RESIDENTIAL DISTRICTS (R1 - R5)

Street trees in planting strips

One street tree for every 25 feet of frontage.

Minimum of one street tree.

Existing street trees count.

Planting strip between curb and sidewalk

ZONING PROPOSAL



TRIGGER

New developments.
Enlargements (20% or more).
Changes of use (20% or more).

- Exception: Use Group 16 automotive and semi-industrial uses - Subtract curb cuts from the street frontage.
- Exempt: Use Groups 17 and 18 light and heavy industrial uses

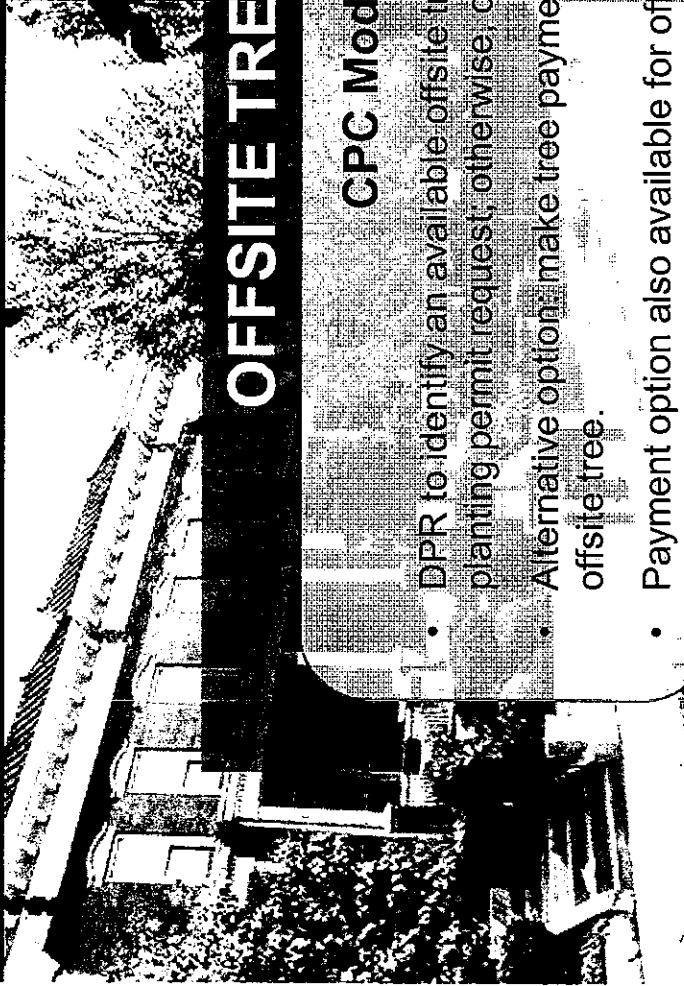
CPC Modifications

For 1- and 2-family homes:

- Exempt enlargements of less than 400 square feet
- Exempt new detached garages of less than 400 square feet



ZONING PROPOSAL



OFFSITE TREE PLANTING

CPC Modifications

- DPR to identify an available offsite tree location within 30 days of offsite planting permit request, otherwise, offsite tree is waived.
- Alternative option: make tree payment, which DPR would use to plant offsite tree.
- Payment option also available for off-season planting of on-site trees.

Planting may be infeasible due to site constraints.

1. City standards limit trees' proximity to infrastructure.
2. The Landmarks Preservation Commission may find street trees conflict with character of certain historic districts.

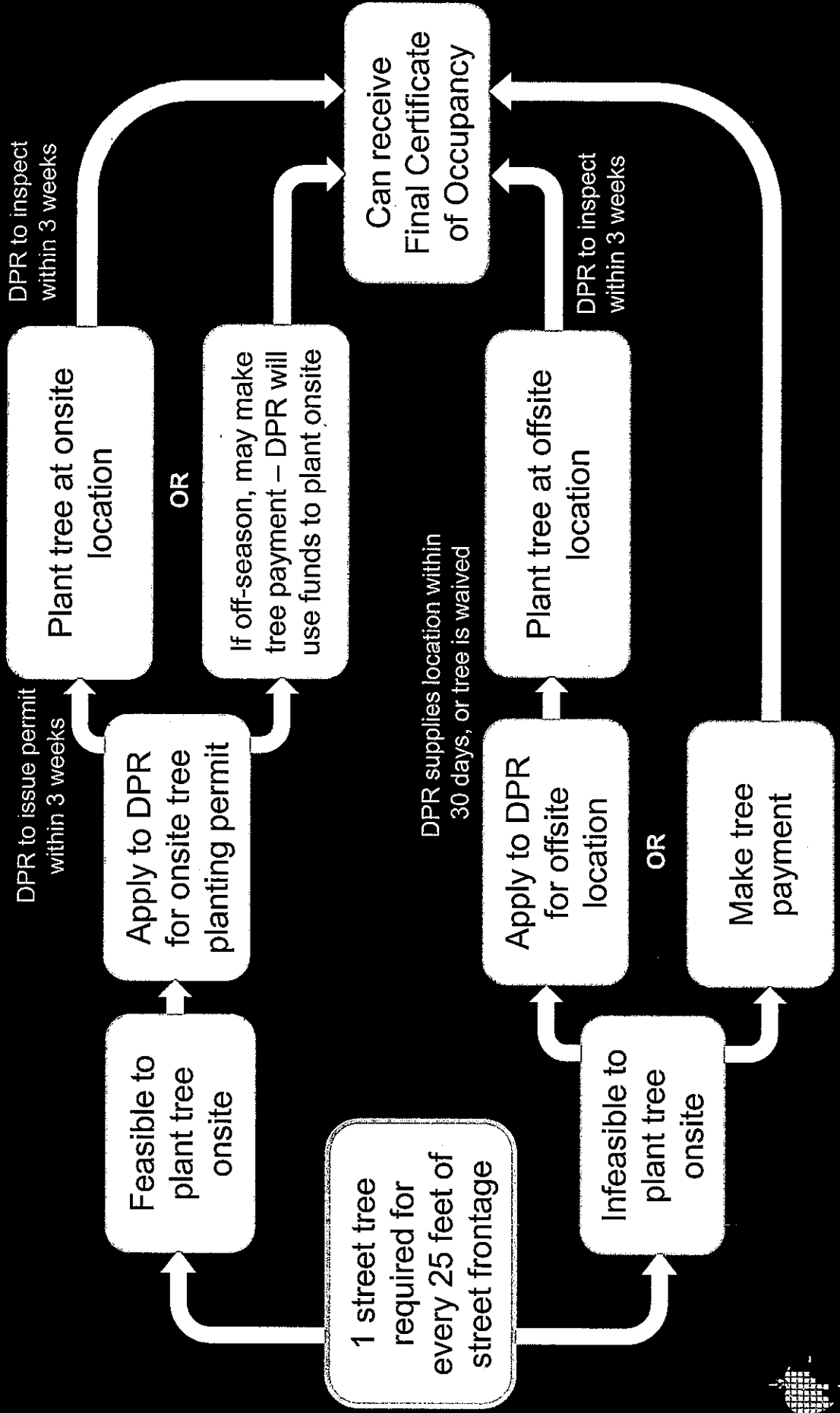
Trees must be planted nearby.

Within a ½ mile or elsewhere in the same Community District

In a vacant tree pit, planting strip, or unpaved City-owned land, selected by DPR.

STREET TREE PLANTING

- Street trees are permitted and maintained by the Parks Department in coordination with other agencies. City agencies are working together to ensure smooth implementation of this zoning requirement.



STREET TREES & PLANTING STRIPS

Example images



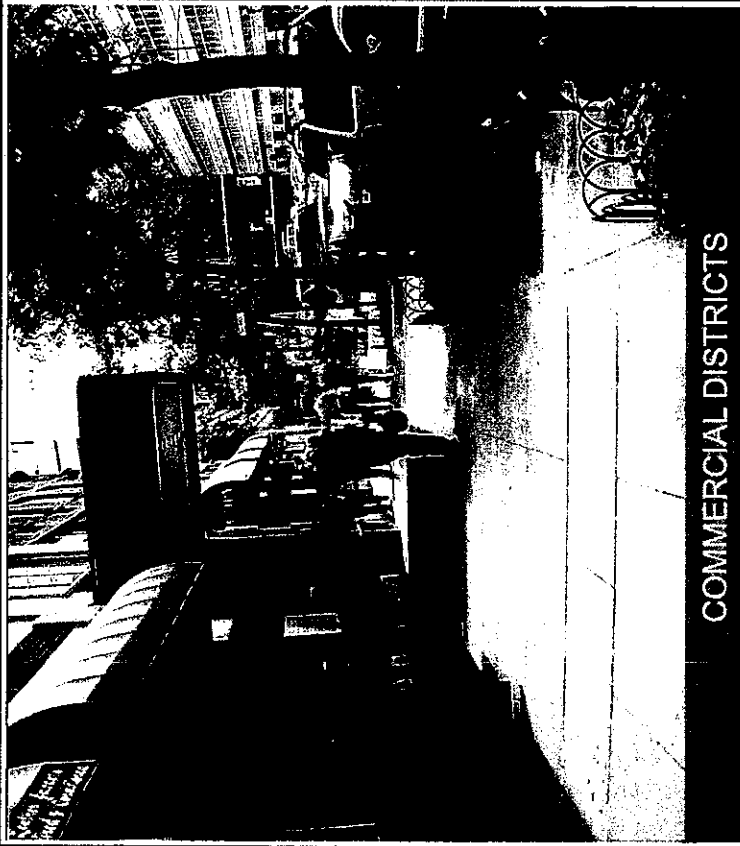
HIGHER DENSITY RESIDENTIAL DISTRICTS (R6 +)



LOWER DENSITY RESIDENTIAL DISTRICTS (R1-R5)

STREET TREES

Example images



COMMERCIAL DISTRICTS



USE GROUP 16 USES & MANUFACTURING DISTRICTS



Summary

Street trees support environmental, aesthetic, and safety goals. They are among the goals of PlaNYC.

Street trees are managed by the Parks Department in coordination with other agencies. Street trees are not currently required by zoning in many parts of the city.

Our proposal would require street tree planting in all zoning districts, in conjunction with new developments, major enlargements and conversions. Offsite planting would accommodate street trees that conflict with infrastructure.

City agencies are working together to ensure smooth implementation of this zoning requirement.

