

TROUTMAN SANDERS LLP

A T T O R N E Y S A T L A W
A LIMITED LIABILITY PARTNERSHIP

THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NEW YORK 10174
www.troutmansanders.com
TELEPHONE: 212-704-6000
FACSIMILE: 212-704-6288

Caroline G. Harris
caroline.harris@troutmansanders.com

Direct Dial: 212-704-6434
Fax: 212-704-5938

April 14, 2008

By Email

The Honorable Tony Avella
Chair, Subcommittee of Zoning and Franchises
New York City Council
38-50 Bell Blvd., Suite C
Bayside, NY 11361

Re: Street Trees Planting Text Amendment – Yard Text Amendment

Dear Mr. Avella:

We represent Sustainable South Bronx and the Storm Water Infrastructure Matters (SWIM) Coalition. We appeared before your Committee previously, testifying in support of the Parking Lot Text Amendment. You requested that we communicate our views to you concerning other sustainability issues.

On April 15, the Zoning and Franchises Committee of the City Council will hold a hearing regarding the proposed Street Trees Planting Text Amendment (Intro 630) and Yards Text Amendment of the Zoning Resolution of the City of New York. We submitted testimony orally and in writing to the New York City Planning Commission (CPC) regarding these two amendments. Our written testimony is attached hereto.

Both the Street Tree Planting Text and the Yards Text Amendments have been revised by CPC. Although none of the revisions address the concerns we raised, we continue to support the text changes. However, we ask your Committee and the City Council to direct the NYC Department of Parks and Recreation to address our concerns when they establish the pertinent rules and guidelines. The NYC Department of Parks and Recreation should 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.

ATLANTA • HONG KONG • LONDON • NEW YORK • NEWARK • NORFOLK • RALEIGH
RICHMOND • SHANGHAI • TYSONS CORNER • VIRGINIA BEACH • WASHINGTON, D.C.

The Honorable Tony Avella
April 14, 2008
Page 2

In addition, we seek your support for specific revisions to both proposed texts. We urge the following revisions to the proposed texts:

- Spacing between trees should be allowed to be 20 feet.
- In the event of a conflict between these amendments and the parking lot zoning requirements (such as with respect to perimeter tree planting requirements), these regulations should govern.
- With respect to the Yards Amendment, impervious surfaces should be graded to direct drainage to the planted areas, to the extent practicable.

We look forward to seeing you at the hearing. However, if you wish to discuss our suggestions before then, please do not hesitate to contact us.

Thank you in advance for your consideration.

Sincerely yours,



Caroline G. Harris
Pro Bono Counsel to Sustainable South Bronx

CGH:dcm

Enc.

cc (w/o enc.): Mr. Robert Crauderueff, SSBX/SWIM
Lawrence Levine, Esq., NRDC/SWIM
Council Speaker Christine Quinn
Council Member Melinda R. Katz
Council Member James F. Gennaro
Mr. Carter Strickland, OLTP
Ms. Angela Licata, DEP
Mr. Charles McKinney, DPR
Mr. Bruce Schaller, DOT
Ms. Suzanne Mattei, NYSDEC
Ms. Susan McCormick, NYSDEC