

February 23, 2009

Amanda M. Burden
Chair, City Planning Commission
22 Reade Street
New York, NY 10007-1216



BY FACSIMILE (212-720-3219)
and US MAIL

RE: Proposed Waterfront Text Amendment (N 090239 ZRY)

Dear Ms. Burden,

Please accept these comments on the proposed Waterfront Text Amendment, submitted on behalf of the Storm Water Infrastructure Matters (SWIM) Coalition, a group of more than 50 organizations, including community and environmental groups, environmental justice organizations, architects, water engineers, and community development corporations dedicated to ensuring swimmable waters around New York City through natural, sustainable stormwater management practices in our neighborhoods.

SWIM supports the City Planning Commission's efforts to promote site designs that mimicking natural systems by infiltrating or otherwise retaining stormwater on-site, thereby reducing the runoff of polluted stormwater into our sewers and waterways. Moreover, initiatives to open the waterfront, such as the proposed text amendments, must go hand-in-hand with efforts to improve water quality. Through the waterfront text amendment and other initiatives, the Commission can promote both public access to the waterfront – which is crucial to improving the overall quality of life in New York City – and cleaner, healthier rivers, bays, and other waterbodies for the public to enjoy while there. In that spirit, SWIM believes the proposed waterfront text amendment can be further strengthened, as discussed below, to not only require the creation of vegetated, permeable surfaces in waterfront developments, but to ensure that site designs maximize the potential for such permeable areas to manage stormwater on-site.

As the Mayor's Office of Long Term Planning and Sustainability noted in the City's Sustainable Stormwater Management Plan, issued in December 2008, the proposed waterfront text amendment includes "design requirements for plantings and buffer areas in public access areas that would improve the quality of plantings and encourage permeability in new developments in the waterfront area. Additional permeable surfaces would reduce pollutant loadings from areas that otherwise discharge directly to waterbodies or through separate sewer systems." We are very encouraged to see that the Commission has included planting requirements in this text amendment. This approach is environmentally and fiscally responsible because it utilizes stormwater, which is currently viewed as waste, as a resource.

Moreover, under PlaNYC, the City is striving toward increased sustainability in various ways. Many of those initiatives, whether aimed at energy efficiency, water quality, or clean air, will find a powerful tool in trees and other vegetation. Therefore, the details contained in section 62-625 are extremely important to many of the City's sustainability goals.

To take full advantage of the stormwater management potential of the new permeable surfaces required by the proposed text amendment – and to promote the health and survival of trees and other required plantings¹ – design requirements for both the planted areas and adjacent impermeable surfaces must explicitly incorporate the principles of sustainable stormwater management. The recent parking lot text amendments provide an excellent example of this approach. SWIM testified in support of those rules, which include many important provisions to maximize the stormwater capture benefits of the new landscaping requirements and promote the health and survival of trees and other required plantings. For example, the parking lot rules addressed such issues as grading of areas adjacent to plantings,² curb inlets to allow the inflow of stormwater,³ depth of soil,⁴ allowable plant species for use as groundcover,⁵ maintenance of plantings,⁶ and permeable pavement.⁷ The waterfront text amendment should be revised to include parallel requirements. For example:

- As proposed, Section 62-625 states that, “All landscaped areas shall contain a built-in irrigation system or contain hose bibs within 100 feet of all planted areas.” Proper design of landscaped areas with respect to stormwater runoff can greatly reduce the need for other types of irrigation, resulting not only in cleaner surface waters but also water conservation. This text amendment should help to spread the use of stormwater capture designs such as those being used for green-streets designed by NYC Department of Parks and Recreation. These projects tend to recess the surface of planting areas to be lower than surrounding paved

¹ Survival and growth of street trees and other urban plantings can be impaired by many factors, including lack of water, inadequate space for root growth, unsuitable soils, inadequate maintenance during early growth stages, selection of species poorly-suited to regional climate, and others.

² Section 37-921(a) (“The open parking area shall be graded to allow stormwater runoff to drain into all required perimeter landscaped areas and planting islands”); Section 37-922(b)(same, with respect to drainage to planting islands).

³ Section 37-921(a) (“A raised curb . . . shall contain inlets at appropriate intervals to allow stormwater infiltration [into perimeter landscaping] from the open parking area.”); Section 37-922(b) (same, with respect to drainage to planting islands).

⁴ Section 37-921(a) (“The perimeter landscaped area shall be comprised of soil with a depth of at least three feet”); Section 37-922(b) (same, with respect to drainage to planting islands).

⁵ Section 37-921(b)(1) (“All required groundcover shall be selected from the list in Section 37-983.”); Section 37-922(c) (same).

⁶ Section 37-93 (“All on site landscaping shall be maintained in good condition at all times. . . . [D]rainage components [must be] maintained in working order. In the event of the loss of any on site landscaping, the owner of the zoning lot shall replace the landscaping by the next appropriate planting season.”).

⁷ Sections 25-65, 36-55, and 44-44 (“[P]ermeable paving materials may be used . . . where the Commissioner of Buildings determines that such materials are appropriate.”)

areas so that rainwater drains to the vegetation instead of away. We propose alternative language such as the following: “All landscaped areas shall have a source of water derived from stormwater catchment (such as underground bioretention cells or rain barrels). In places where such stormwater catchment is not possible, a built-in irrigation system or hose bibs within 100 feet of all planted areas may be installed.”

- Section 62-625 states, “A curb with a maximum height of six inches is permitted along the perimeter of any planted area.” The proposed language should be revised to ensure that such curbs do not create a hydrologic barrier between sources of runoff and vegetated areas that require water. Curb inlets should be required, to allow water to pass through into planted areas. Also, tree guard-type low fencing could also be offered as an alternative to curbs, to prevent trampling of plants while allowing water to pass through to them unimpeded.
- We support the guidance provided for tree pit size and volume. By giving plants larger soil areas, their roots will have access to more water and the entire plant will be healthier than they would be with smaller pits/beds. The text amendments should also include language promoting the use of native species that are both drought and flood tolerant. Hardier species will be better suited to survival in planting beds using gravity-fed stormwater capture techniques in place of potable water irrigation. In general, these species will require less maintenance.
- Grading is an important consideration with respect to designing for stormwater capture. The text amendment should require that planted areas be physically lower than surrounding sources of runoff (paved areas), and that those paved areas be pitched slightly toward planted areas whenever possible to ensure that water is directed to areas that need it.
- Since the areas subject to the proposed text amendment draw public attention to the waterfront, we believe they would be ideal locations for the city to show a commitment to sustainable stormwater design and should, therefore, utilize permeable pavement or porous concrete whenever conditions allow. Proposed Section 62-626 provides “All the above materials may be installed to facilitate storm water management appropriate for specific site conditions.” We commend the specific mention of stormwater management and recommend that this section should be strengthened to provide that paving materials “shall be installed to maximize on-site stormwater management appropriate for specific site conditions.” (Similar language could also be added to the provisions on grading and planted areas – *i.e.*, providing that materials and design shall be such as to maximize on-site stormwater management appropriate for specific site conditions.)
- Sections 62-62, 62-621 and 62-622 identify that should be used for guardrails, benches and other features in public access projects. We urge the Commission to include a preference for using recycled materials whenever possible.

We appreciate you taking time to consider our comments. SWIM members are eager to work cooperatively with your office to develop the most appropriate language for this important zoning text amendment. Please contact Dawn Henning at Youth Ministries for Peace And Justice with any questions (718-328-5622; dhenning@ympj.org).

Sincerely,

SWIM Coalition



Robert Crauderueff
Sustainable South Bronx



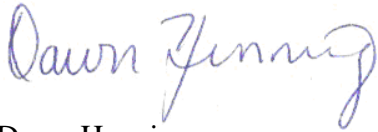
Paul Mankiewicz
Gaia Institute

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