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March 12, 2008

By email and mail

The Honorable Amanda Burden
Chairperson
New York City Planning Commission
22 Reade Street
New York, NY 10007

Re: Proposed Zoning Text Amendments Concerning Street Trees and Yards

Dear Ms. Burden:

On behalf of the Storm Water Infrastructure Matters ("SWIM") coalition, I write to thank you and your fellow Commissioners for your interest in SWIM's testimony, at the December 19, 2007 hearing, on the Department of City Planning's proposed zoning text amendments regarding street tree planting and residential yards. SWIM is a coalition of nearly 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 you may recall, SWIM's testimony recommended a number of ways in which the proposed amendments should be strengthened, to ensure that they will actually provide all of the touted benefits, specifically in regard to stormwater capture. Enclosed please find: (1) a copy of SWIM's testimony from the December hearing (with minor typographical corrections); (2) a marked-up version of the proposed text amendments illustrating how the Planning Commission could incorporate SWIM's specific suggestions; and, (3) as you and other Commissioners had specifically requested, photographs illustrating an example of an existing curb inlet in the city, as well as examples of both good and bad tree pit guards. (We had also forwarded these photos to Nicole Rodriguez, of the Department of City Planning's staff, in January.)

Please note that in limited cases, the proposed zoning language in the second enclosure differs in substance from the corresponding recommendation in SWIM's testimony; in such cases,

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upon further consideration, SWIM believes that a more flexible approach is appropriate than was set forth in our testimony, and has included that flexibility in the proposed zoning text.¹

At your suggestion, we have been in communication with both the NYC Department of Environmental Protection and Department of Parks and Recreation to discuss these and other related sustainability issues. We will continue our efforts to interact with those agencies.

Thank you again for your interest and your consideration of these matters. SWIM would welcome the opportunity to meet with you to discuss our recommendations for these zoning text amendments and other ways the City Planning Commission can promote sustainable stormwater management in New York City.

Sincerely yours,



Caroline G. Harris
Pro Bono Counsel to Sustainable South Bronx

CGH:dcm

Enc.

cc: Mr. Robert Crauderueff, SSBX/SWIM
Lawrence Levine, Esq., NRDC/SWIM
Ms. Nicole Rodriguez, SWIM
Council Speaker Christine Quinn
Council Member James F. Gennaro
Council Member Melinda R. Katz
Council Member Tony Avella
Council Member Daniel R. Garodnick
Council Member Letitia James
Mr. Carter Strickland, OLTP
Ms. Angela Licata, DEP
Mr. Charles McKinney, DPR
Mr. Bruce Schaller, DOT
Ms. Suzanne Mattei, NYSDEC
Ms. Susan McCormick, NYSDEC

¹ For example, with respect to the street tree text, SWIM's testimony had proposed requiring "planting strips" in all districts, rather than only in low-density residential districts. Our marked-up text does not include such a requirement, but does clarify that nothing in the zoning text precludes the voluntary installation of a planting strip in a district where only street trees are required.